

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 12/13/05
AGENDA ITEM 53
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Proposal to Develop a Portion of the Cannery Area With Residential Development
- The Property is Located North of Winton Avenue, West of Myrtle Street, South of C Street, and East of the Union Pacific Railroad

Actions Include Zone Change PL-2005-0167, Amending the Zoning District from "High Density Residential" to "Planned Development" in Order to Construct 16 Duet Single-Family Homes, 333 Multi-Family Units, and a 2,975 Square Foot Retail Structure; a Request to Approve the Preliminary Development Plan for the Planned Development District; and Approving Vesting Tentative Map Tract 7613

Felson Companies, Inc. – Applicant
Cannery Hayward, LLP - Owner

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution approving the Mitigated Negative Declaration and Mitigation Monitoring Plan, the Zone Change and Preliminary Development Plan; and, the Vesting Tentative Map, and introduce the attached ordinance, subject to the attached conditions.

DISCUSSION:

In 2001, the City of Hayward certified the Final Program Environmental Impact Report (EIR) for the Hayward Cannery Area General Plan Amendment and Cannery Area Design Plan. The City adopted the "Cannery Area Design Plan" (Design Plan) and took other related actions to amend the City's General Plan, and to rezone older, industrial properties covered under the 120-acre Design Plan area. The Mixed Industrial designation in Area 2 of the Design Plan was changed to a combination of High-Density Residential, Medium-Density Residential, Public/Quasi-Public, and Open Space/Parks and Recreation designations. The properties were rezoned to conform to the new General Plan Map designations. A Special Design (SD-4) District was established to provide for an orderly transition from industrial uses to residential and commercial uses. The overlay district requires any new residential or commercial development to be processed pursuant to Planned Development District provisions consistent with the Design Plan.

The 73-acre Sub-Area 2 of the Design Plan area is bounded by A Street, Amador Street, Winton Avenue, and the Myrtle/Meek/Filbert alignment. (See Exhibit C, which delineates the Design Plan area.) The project is surrounded by an existing single-family development, the Union Pacific Railroad tracks, and major collector streets.

Felson Companies has purchased the site. Currently on the site is a 400,000 square foot building leased to three separate tenants. In turn, Citation Homes is under contract with Felson Companies for purchase of the Felson site and all entitlements. Existing onsite and some offsite infrastructure supporting the development of the properties will be replaced or upgraded. The existing industrial and warehouse facilities will be phased out including current lease agreements due to expire in August 2006.

Project Description

Felson Companies' application includes constructing a mix of 171 rowhouse condominium units, 162 attached cluster condominium units, 16 duet-style attached single-family homes, and one retail commercial structure to serve the needs of residents. The 2,975-square-foot retail center would be on a 10,200-square-foot parcel near the entrance to the project at Myrtle Street and Winton Avenue. All of the plan elements are arranged in a grid which matches to a large extent the grid pattern and open space network of the Design Plan, with the single-family duet units on the east side of the site adjacent to existing single-family homes on Myrtle Street, and the rowhouse units on either side of the centrally-located cluster units. There are also rowhouse units on either side of the southern Panhandle. The duet units range from two to three stories in height and the rowhouse and court townhouses are two stories over parking.

The plan's open space/park network connects to Water Tower Square by the 70-foot-wide pedestrian-oriented Panhandle median. The Square will feature improvements that do not duplicate the activity areas of Cannery Park and will be further defined by HARD working in conjunction with the developer. Other pedestrian connections include the Myrtle Street Green at the south entrance to the Cannery area. Enhancing the pedestrian connections throughout the site plan are 20 to 33 foot wide mid-block "paseos" that are designed to separate the buildings, integrate the private open space areas with the public open space areas, and provide a sense of openness.

The nearest townhomes are 65 feet from the railroad tracks. Specially insulated door, window and wall assemblies will be employed to keep interior noise levels within City standards. Exterior standards will be met by the site planning of private balconies and patios facing the courtyards, the planned 8-foot sound wall along Winton Avenue and continuing along the west side of Martin Luther King, Jr. Way, and community outdoor spaces which are shielded from traffic and rail noise by the buildings themselves. The sound wall will be landscaped on both sides for beautification and to avoid graffiti.

The City's Off-Street parking regulations for the project require a minimum of 1 covered and 1.10 open spaces per dwelling unit. The Felson plan complies with this requirement. The plan has 698 covered parking spaces (2 per unit) and 33 onsite guest parking spaces. On-street parallel parking provides 146 spaces. The parking ratio not including street parking is 2.1 spaces per unit; including street parking, the ratio is 2.5 spaces per unit. The City's recently adopted Tandem Parking Ordinance allows that 35% of the multi-family units in a residential project outside the Central Parking District can have tandem garages. The City's Tandem Parking Ordinance authorizes the City Council to increase the number of tandem garages to serve the needs of an officially-adopted design plan. Accordingly, the Planning Commission recommends the City Council allow the increase in the number of tandem garages. As the project has 333 such units, 117 of the units would be eligible as tandem units. There are 137 tandem garages in the Felson plan. The Felson plan exceeds this requirement (41% of the total multi-family units). The use of tandem garages in the Felson plan, which are distributed throughout the site, allows the applicant

to meet the intent of the Design Plan. As well, the project is within 1000 feet of the Amtrak rail station and 7-day bus service on West A Street and Winton Avenue (AC Transit). It is also approximately one half mile from BART.

The formation of a Homeowner's Association and the creation of Conditions, Covenants, and Restrictions (CC&Rs) will be required to: ensure proper maintenance of the streets (all of which are private), the driveways, the pocket parks, alleys, block landscaping, and the green strip along Winton Avenue, as well as graffiti removal, and enforcement of the 24-hour on-street parking limit. A Landscape and Lighting Assessment District will be established by the City for the purposes of providing funding for the ongoing maintenance of the Panhandle, Water Tower Square, the median on Street Four (formerly Meek Avenue), and the Myrtle Street Green.

Inclusionary Housing

In adopting the Cannery Area Plan, the City Council stated its desire to assure that there would be an economic mix of households in the new neighborhood being developed, in line with the requirements for affordable housing production set forth in State law for the Redevelopment Agency. All such projects are required to ensure that nine percent of the units are available to moderate income households and six percent are set aside for "very low" income households (i.e., those whose incomes do not exceed 50% of the Area Median Income).

The Felson plan proposes to provide 32 (9%) moderate-income units on-site, distributed evenly and reflecting the distribution of bedroom sizes throughout the development. Felson proposes to provide the 21 (6%) very-low-income rental units off-site as part of a joint development being proposed by Citation Homes with Eden Housing on 1.88 acres of the Santos Property located within the Cannery Plan area fronting along C Street and Grand Street, across from the Downtown BART station. In line with the above, Finding for Approval 14 (see Exhibit F: Planning Commission Agenda Report with Attachments) has been corrected to read that while moderate-income housing would be provided on-site, very-low-income units would be provided off-site.

Citation has acquired the right to purchase the Santos Property and, in conjunction with Eden Housing, proposes to provide the land and any required additional subsidy for a housing development of at least 52 one-bedroom senior units. Eden proposes to secure either HUD 202 financing or Low Income Housing Tax Credit authority to provide primary financing for the housing. This senior housing development would be integrated with a new, independently financed office building for Eden Housing. According to Eden, the demand for subsidized senior housing in the Hayward/Union City area far exceeds the available supply. Felson Companies will participate in the inclusionary housing plan proposed for the Citation development.

Given the documented need for affordable senior housing in Hayward and the benefits of it being developed in an area close to the downtown with readily available transportation, shopping, library and other municipal services for seniors, the staff supports this off-site placement of the very-low-income units. In addition, this project will provide stimulus to redevelopment of the west side of the BART station that was envisioned in the Cannery Area Plan.

Planning Commission Hearing

On November 17, 2005 the Planning Commission unanimously (6:0:1) recommended approval of the mitigated negative declaration and the project.

A resident on Myrtle Street expressed concern that the proposed project presents additional traffic and noise problems that if not addressed can significantly impact the safety of his home and neighbors at the Myrtle Street entrance area to the project. Specifically, the resident's concern primarily has to do with his ability to back out of his driveway safely. He offered a plan to mitigate the problem, creating private connections to the first three houses off of Winton Avenue on Myrtle. This plan has significant traffic flow and property acquisition impacts.

After review of the resident's plan to modify the Myrtle Street entrance to the project, staff recommends the approved entrance as depicted in the Design Plan (see Exhibit D). Traffic impacts of this entrance plan to the existing residents of the first three houses on Myrtle Street at the Myrtle Street/Winton Avenue intersection should be alleviated as drivers entering or exiting the Cannery project at this intersection will naturally slow down where there are bulb-outs, where cars are parked on either side of Myrtle Street, and when entering a curve in either direction. The resident's proposal would result in reduction of the Myrtle Street Green which is an important entrance feature of the Cannery project that should not be further reduced in size. In addition, an offset intersection at Soto Road and Winton Avenue would inhibit traffic flow through the intersection and to correct it properly would require the acquisition of significant property from the Winton Middle School. While staff does not support this proposal, in reviewing this resident's concern, staff did identify the need to address traffic flow on Martin Luther King Jr. Way and will require the installation of three-way stop signs at the Street Five/Martin Luther Jr. Way intersection, near the resident's property. This requirement is also supported by the addition of a small commercial center at this location and should help provide gaps in traffic to assist residents of the first three houses on Myrtle Street in backing out of their driveways. A more detailed study of any other traffic control measures along Martin Luther King Jr. Way will be addressed with the review of the project improvement plans.

PUBLIC NOTICE:

On December 3, 2005, a Notice of Public Hearings and intent to adopt a Mitigated Negative Declaration was published in the Daily Review and mailed to property owners and occupants within 300 feet of the subject site, interested parties, and appropriate public agencies. At the time of completion of this report the Planning Division had received no responses to that notice.

Prepared by:

for Sylvia Ehrenthal


Richard Patenaude, AICP
Acting Planning Manager

Recommended by:

Sylvia Ehrenthal

Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A: Conditions of Approval
Exhibit B: Mitigated Negative Declaration, Initial Study and Mitigation
Monitoring and Reporting Program
Exhibit C: Area Map
Exhibit D: Map of Approved Myrtle Street Intersection
Exhibit E: Draft Planning Commission Meeting Minutes, dated November 17,
2005
Exhibit F: Planning Commission Staff Report, dated November 17, 2005
Plans
Draft Resolutions and Ordinance

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION ADOPTING MITIGATED NEGATIVE
DECLARATION AND APPROVING ZONE CHANGE
APPLICATION PL 2005-0167 AND VESTING
TENTATIVE TRACT MAP 7613**

WHEREAS, Zone Change Application PL 2005-0167 and Vesting Tentative Map 7613 concern a request by the Felson Companies, Inc. (Applicant/Owner) to rezone and subdivide a 27.2 acre parcel from High Density Residential (RH) District and Open Space/Parks & Recreation (OS) District to Planned Development (PD) District to construct 349 residential units and one commercial structure, on property located within the Cannery Design Plan area; and

WHEREAS, an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission held a public hearing on November 17, 2005, regarding the applications, in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, the Zone Change application, the Preliminary Development Plan and the Vesting Tentative Tract Map; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the Initial Study upon which the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are based, certifies that the Mitigated Negative Declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the Mitigated Negative Declaration reflects the independent judgment of the City of Hayward.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

**ZONE CHANGE - RECLASSIFICATION TO PLANNED DEVELOPMENT (PD)
DISTRICT**

1. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15168, Program Environmental Impact Reports, and Section 15074,

Mitigated Negative Declarations, a Mitigated Negative Declaration has been prepared for Zone Change Application PL 2005-0167, and, as conditioned, it has been determined, based on the whole record (including the initial study and any comments received), that there is no substantial evidence that the proposed Project will have a significant effect on the environment, cumulative or otherwise, that cannot be mitigated, and that the Mitigated Negative Declaration is complete and final and reflected the City of Hayward's independent judgment and analysis.

2. The Project is in substantial harmony with the surrounding area and conforms to the General Plan, the Cannery Area Design Plan, and applicable City policies in that the design and layout of the Project will result in the construction of a variety of homes of high-quality design that will be constructed in an already disturbed area; will further the City's goal to provide ownership housing opportunities as expressed in the City's General Plan Housing Element and will further the City's Housing Element policy to provide housing opportunities for all household income levels in that 32 ownership housing units for moderate income households and 21 rental housing units for very low-income households will be provided in the City as a result of the Project.
3. Streets and utilities, existing or proposed, are adequate to serve the Project in that the conditions of approval require that eight roads to be constructed to the Cannery Area Design Plan standards to serve the Project. Myrtle Street will be constructed to provide access to Winton Avenue in the southern portion of the Project, which will connect via Street Five to the realigned Street Four (formerly Meek Avenue), thereby providing two means of ingress and egress to the development.
4. The Project creates a residential environment of sustained desirability and stability in that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon. The Project will have no substantial adverse effect upon the surrounding development in that the Project will result in the dedication of approximately 4.7 acres for group open space, the Panhandle parks, and Water Tower Square, development of the parks with recreation facilities, detention basins, etc., in a manner to be found acceptable by the Hayward Area Recreation and Park District in an area of the City that lacks adequate recreational opportunities.
5. Substantial proof exists that the proposed changes will promote the public health, safety, convenience, and general welfare of the residents of the City in that the Project will allow development of 349 ownership housing units, where ownership housing is supported by the Housing Element of the General Plan and post-construction erosion and siltation impacts will be mitigated via Best

Management Practices in accordance with the requirements of the California Regional Water Quality Control Board. In addition, post-construction noise impacts will be mitigated via a sound wall, wall assemblies and other methods as documented in the Project's noise report. The density and extent of the Project will be guided in a cohesive pattern that avoids encroachment into natural, undisturbed areas and will result in the dedication of approximately 4.7 acres for group open space, the Panhandle parks and Water Tower Square and the development of the parks with recreational facilities, detention basins, etc.

6. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans in that the Project will provide for new recreational amenities in an area of the City that is currently underserved by such facilities and will provide for the development of high-quality housing that is consistent with standard geotechnical and building construction practices. In addition, the Project will be consistent with the City's General Plan Policies and the Cannery Area Design Plan by proposing a development that incorporates additional housing in the area at about the same density as surrounding existing housing, mitigates land use conflicts between the residential and nonresidential land uses, and utilizes landscaping pedestrian pathways, and a variety of building designs and massing to assist in creating a harmonious development.
7. All uses permitted when the property is reclassified will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations in that the Project will result in a residential environment of sustained desirability and stability that will provide for high-quality ownership housing within close proximity to the Hayward BART Station and Amtrak. The Project closely follows the requirements of the Cannery Area Design Plan in terms of land uses, site plan layout and development standards and will provide a substantial amount of pedestrian-friendly high density residential development and affordable housing near the downtown and transforms an outdated industrial site into a well-designed community.
8. The City's tandem parking ordinance states that tandem parking may be permitted for multi-family residences outside the Central Parking District in excess of thirty-five percent of the number of residences where such increase serves to meet the goals of an officially-adopted design plan, including but not limited to density and architectural design. The use of tandem parking in the Project allows the applicant to meet the intent of the Cannery Area Design Plan. As well, the Project is within 1,000 feet of the Amtrak rail station and 7-day AC Transit bus service on West A Street and Winton Avenue. The Project is also approximately one-half mile from BART. In light of the pedestrian-oriented nature of the site plan and access to public transit and the downtown, it is appropriate to allow the increase in the tandem parking limits.

VESTING TENTATIVE TRACT MAP 7613

9. The tentative map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.
10. The site is physically suitable for the proposed type of development;
11. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
12. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
13. Existing streets and utilities are adequate to serve the project;
14. None of the findings set forth in Section 64474 of the Subdivision Map Act have been made.
15. All of the findings included in the staff report for the subject property and related attached documents, are hereby incorporated by this reference.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, that Zone Change Application 2005-0167, the accompanying Preliminary Development Plan and Vesting Tentative Map Tract No. 7613 are hereby approved, subject to the conditions of approval contained in Exhibit A attached hereto and incorporated herein as a part of this resolution and the adoption of the companion ordinance reclassifying the Property from High Density Residential (RH) District and Open Space/Parks & Recreation (OS) District to Planned Development (PD) District.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT
MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD
MUNICIPAL CODE BY REZONING CERTAIN TERRITORY
LOCATED IN THE CANNERY AREA TO PLANNED
DEVELOPMENT PURSUANT TO ZONE CHANGE
APPLICATION NO.2005-0273

mtl
12/7/05

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS
FOLLOWS:

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward
Municipal Code is hereby amended by rezoning certain property in the Cannery Area from
High Density Residential District and Open Space/Parks & Recreation District to Planned
Development District, as identified on the map attached as Exhibit A hereto. The assessor
parcel numbers of the property affected by this zone change are as follows:

413-0020-003-03
413-0060-003
431-0020-002-09
431-0060-002-12

Section 2. In accordance with the provisions of section 620 of the City Charter, this
ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of
Hayward, held the ____ day of ____, 2005, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward
held the ____ day of ____, 2005, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Conditions of Approval
Planned Development Application No. PL-2005-0167
Felson Companies (Applicant/Owner)
333 Multi-Family Units
16 Duet Single-Family Units
1 Retail Commercial Structure

1. Planned Development Application No. PL-2005-0167 to allow the construction of 333 condominium units, 16 duet single-family units, and 1 commercial structure is subject to these conditions of approval and the plans, labeled Exhibit "E." Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
2. The preliminary development plan approval is void one year after the effective date of approval of the planned development unless a precise development plan is submitted for review and processing in accordance with the conditions of approval of the preliminary development plan. Unless otherwise provided by the development agreement for the project, the Planned Development District shall be void when the tract map expires, including any extensions thereof. Any modification to the preliminary development plan shall require review and approval by the Planning Director. A request for an extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to the expiration date. If within 12 months after the approval by the City Council of the Preliminary Development Plan the Precise Development Plan has not been submitted for review and processing, and an extension is not granted by the City, the Planning Commission may initiate consideration of reclassification of the zoning district.
3. The permittee/subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, and agents from and against any claim, action or proceeding against the City, its officers, employees and agents to attack, set aside, void, or annul, an approval by the City concerning the subdivision, which action is brought within the time period covered by Government Code Section 66499.37. The City shall promptly notify the permittee/subdivider of any claim, action, or proceeding, and if the City fails to cooperate fully in the defense, the permittee/subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to the Zoning Ordinance, must be approved by the Planning Director prior to implementation.
5. This approval is tied to Tentative Map Tract 7613 and all conditions of approval of that map shall also apply to this approval.
6. The final map shall be filed and approved by the City and recorded in the County Records Office prior to the issuance of a Certificate of Occupancy of any unit.

7. Any appropriate historical artifacts unearthed on the site within the area covered by the final map in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.
8. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.
9. Prior to application for a building permit, a Precise Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, decorative electroliers, details for fencing, walls, (including the sound wall), berms, architectural plans, sign details, samples of exterior colors and building materials, and screening of all above-ground utilities, transformers and utility meters. The precise plan shall also reflect the design of other public improvements.
10. The Precise Plan shall also include provisions for project staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for noise and dust control, and common area landscaping.
11. The Precise Plan shall include the following:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b) The floor plan and elevations of proposed commercial structure shall be completed at the Precise Plan stage, noting the need for adequate landscape screening per landscape Condition # 27.
 - c) Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - d) Details and locations of the perimeter decorative walls and any retaining walls shall be included and approved by the Planning Director.
 - e) Show an exterior hose bib for each private yard, patio, or porch area.
 - f) Show fencing and fencing details, as well as masonry details at prominent locations.
 - g) The pavement at the private driveway entries of the duet units and rowhouses and the private entries to the interior courtyards of the cluster units shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.
 - h) Pedestrian walkways fronting the building(s) shall be enhanced with decorative materials such as banding, inset brick, exposed aggregate, bomanite stamped concrete or other approved material.

- i) Grouped mailbox design and locations, subject to Post Office approval, shall be approved by the Planning Director.
- j) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
- k) All air conditioners and utility connections for air conditioners shall be located such that all external equipment is located behind solid board fences or stuccoed walls not to exceed the height of the air conditioner unless otherwise approved by the Planning Director. Infrastructure for air conditioning systems is required to be installed as a standard feature.
- l) All parking spaces are to meet minimum City of Hayward on-street and off-street parking standards.
- m) Each unit shall have and maintain a minimum of 90 cubic feet of dedicated storage area, above standard closets and bedroom wardrobes, accessible from the exterior of the unit. Any area of a garage, in excess of the required 11 feet by 19 feet or 20 feet by 20 feet parking area, can be counted toward the minimum requirement.
- n) An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars.
- o) A bicycle rack with a capacity of at least 4 bicycles shall be included within the development at each group open space. The design and placement shall be approved by the Planning Director.
- p) A color and materials board shall be submitted to the Planning Director for review and approval. No changes to colors shall be made after construction unless approved by the Planning Director.
- q) All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen, to be approved by the Planning Director.
- r) No mechanical equipment shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building Code. Roof apparatus, such as vents, shall be painted to match the roof color.
- s) One identification sign per public road entrance shall be permitted. The signs shall conform to Section 10-7.403(b)(2) of the Sign Ordinance regulations, with the locations to be approved by the Planning Director. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Planning Director.

- t) Rooflines shall be articulated to break up bulky facades. Dormer elements are acceptable. Large expanses of blank wall are not allowed. Articulate such expanses to avoid bulkiness.
 - t) All decorative window treatments shall be extended to all elevations.
 - u) All rear and side entries shall be protected by roofs with rooflines to match the pitch of roof of the front porch.
 - v) All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All tandem two car garages shall have the minimum interior dimension of 11 feet by 38 feet. All two car garages shall have the interior dimensions of 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.
12. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
 13. All applicable requirements of the City's Security Ordinance (Ord. No. 90-26 C.S.) shall be met.
 14. All mitigation measures proposed by Illingsworth & Rodkin, Inc. in their project acoustical studies, reflected in letters to Lapidus & Associates, dated August 29, 2005 and September 20, 2005 shall be implemented.
 15. All mitigation measures of the Phase I Environmental Site Assessment prepared by AEI Consultants, dated June 17, 2005 and the Preliminary Soil Investigation Including Liquefaction Analyses prepared by GEI Geotechnical Engineering, Inc., dated February 24, 2005 shall be implemented.
 16. The applicant shall implement post-construction stormwater treatment Best Management Practices consistent with the requirements of the Alameda County C3 stormwater provisions.
 17. All accessibility requirements of the 2005 Title 24 handicap regulations shall be met for the project; 10% of the proposed number of units shall comply with the regulation. The primary entry to the dwelling unit shall be on an accessible route. At least one powder room or bathroom shall be located on the primary entry level. All rooms located on the primary level shall comply with the provisions of Chapter 11A. Common use areas shall be accessible.
 18. The applicant shall institute a vermin control program before, during and after the construction phases of the project.
 19. All perimeter project walls shall be treated with an anti-graffiti coat.
 20. A sound wall 8 feet above the grade shall be constructed generally as shown on the Tentative Map. The sound wall shall be landscaped on both sides for beautification and

to avoid graffiti. The final location, design, color and landscaping of the sound wall shall be subject to approval of the Planning Director.

21. The Myrtle Street entry to the project shall be designed in accordance with the preliminary landscape plans submitted.
22. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.
23. Any onsite transformer shall be located underground.
24. Prior to the sale of any lot to an individual owner (and not another developer or builder) or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private streets, alleys, common area landscaping and open space amenities as depicted on the approved Tentative Tract Map. The developer shall prepare CC&R's for the project and the CC&R's shall be reviewed and approved by the Planning Director. The CC&R's shall include the following conditions:
 - a) Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b) A landscape and lighting assessment district shall be established by the City for the purposes of providing funding for the ongoing maintenance of the public streets and parks, including the Panhandle, Water Tower Square, the median on Street Four (formerly Meek Avenue), the triangular parcel (Parcel L) near Street Four, and the Myrtle Street Green. The pocket parks, "paseos," the alleys, the driveways (including the driveways to the single-family units), and the green strip along Winton Avenue shall be maintained by the HOA.
 - c) The owners of the duet single-family homes would maintain all open space and improvements within their parcel footprint with the exception of the driveways.
 - d) A statement regarding all HOA fees shall be provided to homeowners on bright paper.
 - e) A reserve fund shall be maintained to cover the costs of replacement and repair of the private streets, alleys, driveways and private common area landscaping including the "paseos."
 - f) The association shall be managed and maintained by a professional property management company.
 - g) The homeowners' association shall be responsible for maintaining all private streets and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include maintaining all stormwater BMPs associated with improvements and landscaping. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association.

- h) The private streets, alleys, driveways entries, common landscaped areas shall be maintained in good repair, and free of debris at all times.
- i) A requirement that the building exteriors, fences, and walls shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City's Community Preservation Officer.
- j) The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days.
- k) Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance.
- l) The trees planted within the "bulb-outs" within the public streets shall be maintained and retained by the Homeowners Association. The homeowners association shall be responsible for replacing any tree removed within the "bulb-out" landscape areas with a like kind/like size tree as others within the subdivision. The tree shall be replaced within 30-days of notification of its removal.
- m) Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- n) Pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance, a provision that if the homeowners' association fails to maintain the common area or private streets, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs.
- o) The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
- p) The homeowners association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. The homeowners' association shall maintain in good repair the building exteriors. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have

necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

- q) The open parking spaces within parking bays or on the street shall be provided for and maintained as visitors' spaces and shall not be used for recreational vehicles, camper shells, boats or trailers. These spaces shall be clearly marked and monitored by the homeowners association. Parking stalls shall be used only for vehicles in operating condition. The on-street parking on Streets 1/MLK Way, 2, 3, 6, 7, 8, and on the private alleyways shall be limited to 24 hour parking. The homeowners association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.
- r) Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
- s) Any future modification to the approved site plan shall require review and approval by either the Planning Director or the Planning Commission as provided in the Municipal Code and Development Agreement.
- t) Future additions to units are prohibited.
- u) The CC&Rs shall specify the outdoor collection locations of trash and recycle containers. In addition, trash and recycle containers shall not be moved to the collection location more than 24 hours prior to collection and shall be removed within 24 hours after collection.

Landscaping

- 25. Landscape and Civil plans must be submitted on 24 X 36 inch sheets. Landscape plans are considered to be a part of the Civil set along with grading, drainage and all public utilities. Mylars of the approved plans must be submitted to the Engineering section of Public Works.
- 26. An arborist's report with species, size, health, caliper and value according to International Society of Arboriculture is needed for all of the areas encompassed by the plan including any offsite lots that are being affected by this work. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
- 27. Under our Water Efficient Landscape Ordinance, lawn areas should be limited to useable areas. Show how the lawn areas shown on the plans could be usable areas.
- 28. Commercial uses must be screened from residential uses. The requirement is for evergreen trees 20 feet on center on those property lines.
- 29. Street trees are missing at the ends of the landscape median area at the tunnel under Winton Avenue and should be included on landscape drawings at the Precise Plan stage.

30. Trees: Street trees are required to be minimum 24-inch box trees. The use of Celtis or Ulmus as street tree species is not recommended. Rapheolepis is not acceptable as a required tree as it does not provide the required clearance, shade canopy or screening although it may be used as a decorative element. It should correctly be listed under shrubs.
31. Shrubs: We discourage the use of shrubs that must be frequently hedged and headed back to remain attractive such as Buxus and Pittosporum. Pitosporum 'Wheeler's Dwarf' is too fragile for use in high pedestrian areas such as this. Mahonia repens should be listed under groundcovers, however it is not suitable in smaller landscape areas.
32. Groundcovers: As noted above, woody types of groundcover should not be used in these smaller areas where they must be constantly headed back to keep them in check. The cut branches along the edges are unattractive and are a tripping hazard adjacent to pedestrian areas. Star Jasmine is not well adapted to use as a groundcover. It tends to climb rampantly up other plants and is difficult to get to provide 100% coverage even after 4 or 5 years. Dieback is also evident in older plants that leaves unattractive gaps and holes in the landscaping. The asiaticum variety is somewhat less rampant but difficult to get established. Do not use Hedera helix as it is on Alameda County list of invasive plants. Some other plants that may provide more appropriate groundcover might be Gazania, Fragaria, Duchesnea, Dymondia, Scaveola, Cranesbill, Erigeron, Verbena, Ophiopogon, Pratia, and Zoysia. Groundcover should be shown in all shrub planter beds under all of the shrubs.
33. Use Boston Ivy rather than Ficus pumilia as it is usually less damaging to walls and fences. Add some evergreen vines such as Hardenbergia and Jasmine which are somewhat less invasive than the Ficus.
34. All shrubs are to be five gallon size. Screen all utilities with appropriate 5-gallon shrubs.
35. In order to allow the turning of vehicles immediately upon exiting the garage, the planters directly adjacent to garage doors will need to be appropriately curved. This may mean the use of half circle planters in the more restricted areas and alleys.
36. Some landscape areas appears to have less than 5 feet interior clear distance. The landscape should be expanded to allow for a minimum 5 foot wide landscape not including curbs, walls, foundations, or other obstructions.
37. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.

38. Street Trees. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
39. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
40. As required by the Planning Director, a street tree plan and front yard landscaping and irrigation plans shall be submitted for review and approval by the city either, prior to approval of improvement plans or prior to the issuance of building permits. Front yards shall be limited to a maximum 50% Fescue turf.
41. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
42. Landscape areas should have a minimum 5-foot interior width. With the addition of two 6-inch curbs, the total width of a planter would be six feet.
43. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
44. Parking lots shall include one 15-gallon tree after every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. In addition, parking rows shall be capped with a landscaped island. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.
45. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.
46. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
47. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size

determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

48. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
49. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period.

Solid Waste

50. Compliance to the City's recycling program during construction and for the duration of the development. Please contact Vera Dahle-Lacaze, Solid Waste Manager at (510) 583-4725 for more details regarding the City solid waste program that include the following that are required to be met prior to issuance of a building permit:
- a) A Construction Debris Recycling Statement must be submitted with the building permit application.
 - b) A Construction Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project. Construction Debris Recycling Statement must be completed to obtain approval of the building permit application.
 - c) The Applicant must explain what arrangements will be made for trash and recycling collection. Indicate on the site plan, the formula used for determining the necessary amount of weekly refuse service and indicate what size containers are being proposed. There must be the same capacity for recycling as there is for garbage. In other words, if there is a 2 cubic yard container for garbage then there must also be space available for a 2 cubic yard container for recycling.
 - d) The Applicant must ensure that there is adequate space for a garbage or recycling truck to enter and exit the property in order to service each container.
 - e) The applicant shall complete an On-Site Recycling Plan to demonstrate that 50% of the waste generated during occupancy of the facility will be diverted.

Inclusionary Housing

51. Prior to approval of the First Final Map, whether for the townhouses or the single-family units, an Inclusionary Housing Agreement shall be submitted and approved by the Planning Director. The Inclusionary Housing Agreement shall conform to the requirements of the Inclusionary Housing Ordinance. In addition, the IHA shall include a

contingency plan which describes the specific manner in which Developer will produce "very low" income housing units in the event that Eden Housing is unable to secure adequate financing for the office/senior housing project proposed for the Santos site.

Disclosures

52. Future potential noise from the railroad track shall be disclosed to buyer prior to the sale of a unit.

53. The level of vibration shall be disclosed to buyer prior to the sale of a unit.

CONDITIONS OF APPROVAL VESTING TENTATIVE TRACT MAP 7613

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

Streets

1. Upon any necessary repairs to the facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners association established to maintain the private streets, driveways and common areas within the subdivision boundary.
2. The site plan shall be reviewed with the Fire Department and Engineering Division to ensure that the street and driveway layout is adequate to provide access for emergency, service and utility vehicles, and other commercial trucks. Changes may be necessary including increasing corner radii, driveway widths or intersection alignments and providing truck turn-arounds.

Existing Public Streets

3. The realignment of Myrtle Street, Meek Avenue and Filbert Avenue shall be reviewed and approved by the City Engineer and Fire Department. Civil improvement plans shall show street and right-of-way widths, intersection details, signing and striping, locations of street lights, fire hydrants, manholes, and catch basins and shall meet City Standards. Any improvements along the sections of roadways to remain, damaged during construction, shall be removed and replaced.
4. The Cannery Court right-of-way shall be vacated and the right-of-way purchased by the developer prior to the recordation of the first final map.
5. Existing street and roadway improvements to be abandoned shall be removed completely and clean fill placed to bring the areas up to grade as approved by the City Engineer. Areas

to be vacated to adjacent property owners shall be left in a clean and neat condition and all public street improvements shall be constructed.

6. All curb, gutter and sidewalk along the eastern side of Myrtle Street, from the intersection of West Winton Avenue, up to the end of the new transition shall be removed and replaced. The width of the one way section of Myrtle Street shall be reduced to 16 feet at the intersection of Street One.
7. The developer shall prepare a study of the Winton/Myrtle/Soto intersection to determine whether any modifications to the traffic signal or intersection are necessary, since the issue of queuing was not addressed in the project's environmental document.
8. New standard streetlights shall be installed along the realigned public streets. The design and location shall be approved by the City Engineer.

New Public Streets

9. New public streets shall conform to the widths and alignments shown in the Cannery Area Design Plan, Final Report dated March 22, 2001, except as indicated in these tract conditions.
10. The street design shall utilize standard curb and gutter. The street sections shall be constructed to public street standards and shall be capable of supporting a load of 50,000 GVW, including sections of decorative pavement. Curb returns and bulb outs shall be designed to facilitate street sweeping.
11. The developer shall construct a 24 foot wide street to provide access to the storage facility on the south side of Winton prior to the closure or removal of Cannery Court.
12. Decorative pavements shall be capable of supporting a 50,000 lb. GVW load. Curb returns shall have a minimum radius of 25 feet at the curb face.
13. Street Five, at the intersection of Street One, shall be widened from 24 feet to 29 feet.
14. Street Four, at the intersection of Street Five, shall be redesigned to conform to the proposed realignment of Filbert Street and Meek Avenue as shown in the Cannery Area Plan.
15. The lower Panhandle shall be redesigned as a one-way street, 20 feet in width, face of curb to face of curb, providing a 12 foot travel lane and an 8 foot parking lane along the straight portions of the roadway.

Interior Private Alleys

16. All of the private alleys shall be designated as fire lanes and no parking will be allowed except in designated parking areas. Curbs shall be painted red and fire lane signage

installed. Installation of red-curbing and signs shall meet Fire Department and City Engineer standards.

17. The interior private alleys shall have a minimum width of 20 feet curb to curb and may utilize rolled curb and gutter when accommodating garages and driveways. Vertical curb and gutter shall be used in all other areas. Parking spaces may be provided along the alleys as long as they do not reduce the 20 foot travel way width and the required back up area from adjacent garages.
18. The interior intersections shall be designed as driveway intersections which must meet Fire Department access and turning requirements. Handicap ramps shall be installed to facilitate access and circulation throughout the development.
19. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.
20. The private alleys shall be dedicated as PUE, PAE, SSE, WLE and EVAE.

Parking and Driveways

21. The applicant/developer shall provide sufficient parking spaces for the development to meet the requirements of the City of Hayward Municipal Code. Parking stall dimensions and driveways shall meet City requirements as approved by the Planning Director and City Engineer.
22. The applicant/developer shall demonstrate that backup space meeting City Standards, typically 26 feet, is being provided from all garages. This backup space shall not require that property owners utilize adjacent driveway approaches. The applicant/developer shall also demonstrate that adequate sight distance is being provided within the courtyards to prevent vehicles from backing into other vehicles and over improvements or items within the courtyard.
23. ADA compliant parking stalls and loading areas shall be located adjacent to each open space within the development. Handicap ramps and pathways shall be provided throughout the project.
24. If feasible, parking spaces shall be provided adjacent to the group mailboxes and shall be designated as 10 minute parking only.

Landscaping and Irrigation

25. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.

26. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.
27. Prior to issuance of the first certificate of occupancy for either a single family home or a condominium building, the developer shall form a Landscape and Lighting District to provide funding for the operation and maintenance of the Water Tower Park, linear parks, medians and open spaces as determined during review and approval of the Precise Plan. Prior to approval of the first final map, the developer shall provide a \$10,000 deposit to the City to cover the costs associated with formation of the District.

Storm Drainage

28. The on-site storm drain system outside the public streets shall be a private system owned and maintained by the homeowners association.
29. All storm drain pipe and catch basins to be abandoned shall be removed.
30. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and the City Engineer. Development of this site is not to augment runoff to the District flood control facility downstream. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities. If there is augmented runoff, off-site and/or on-site mitigation measures will be necessary.
31. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
32. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.
33. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area prior to storm runoff entering a pipe system.
34. The developer shall prepare a Storm Treatment Measures Maintenance Agreement for storm water BMPs constructed as part of this project. The Maintenance Agreement shall be reviewed and approved by the City prior to recordation with the Alameda County

Recorder's Office. The Agreement shall be recorded to ensure that the responsibility for maintenance is bound to the property in perpetuity.

35. The project streets, driveways and parking areas shall be designed to facilitate street sweeping, including the layout of the tree and handicap ramp bulb outs. The HOA shall be responsible for street sweeping on a regular basis.
36. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
37. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
38. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
39. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
40. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.

Sanitary Sewer System

41. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application. The proposed sanitary sewer main shall be a public system, owned and maintained by the City. Each residential unit must have a separate sewer lateral.
42. The project will utilize an existing 21 inch line downstream of the project which is currently at maximum capacity. The developer shall either replace the section of main with a pipe of adequate capacity, or install a parallel line and manholes to provide the necessary capacity. The improvement plans for this work shall be reviewed and approved by the City Engineer prior to the start of work.
43. The existing 10" sewer main adjacent to the railroad tracks shall be removed and replaced with a 12" main.
44. Stub outs shall be provided to facilitate extension of mains to serve adjacent projects.

45. The on-site sanitary sewer system shall have 8-inch public mains, designed with a manhole at all angle points and ending with a manhole. The main design and location shall meet the approval of the City Engineer.

Water System

46. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application. Each residential unit must have an individual water meter which must be a radio read meter. The water meters for the condominium units must be ganged adjacent to the street and within the paseo areas or water mains within the courtyards must be extended and connected.
47. The existing 6 inch water mains within Myrtle Street, Meek Avenue and Filbert Street shall be removed and replaced with 12 inch water mains.
48. The water lines within the proposed development must have a looped design. The water mains within Street Four shall be connected to the main in Street Five. The main in Street Three shall be extended to Street Eight. The main in Street One must be extended to Street Eight via MLK Way. Water mains may be extended utilizing easements if necessary to provide a looped design.
49. Ductile iron pipe shall be used in all easements and control valves are required in the street prior to easements for all water mains.
50. Fire hydrants shall be provided throughout the development as approved by the Fire Department prior to start of construction. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant.
51. Fire hydrants shall be double steamer type hydrants with 2 – 4 1/2" outlets and 1 – 2 1/2" outlet which shall be installed per City standards.
52. Fire flow requirements for this development shall be 3,000 gallons per minute at 20 psi. A 50 percent reduction will be allowed in the fire flow for automatic fire sprinkler systems, which are required to be installed within each building.
53. Crash posts may be required around the fire hydrants if the hydrants are installed in a location that may be susceptible to potential vehicular impact.

Utilities

54. All existing overhead facilities along Myrtle Street and Meek Avenue within the project boundaries shall be undergrounded.
55. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC and Comcast regulations. Transformers

and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.

56. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
57. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
58. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Fire Protection

59. The proposed Emergency Vehicle Access Road (EVAR) shall be continuous along the West Winton Avenue soundwall and shall interconnect to the hammerhead between buildings #29 and #30 and connect to the hammerhead between buildings #31 and #32.
60. A second EVAR shall be designed to service buildings #44 and #46. The proposed hammerhead shall be extended and an additional access point shall come in from MLK Way.
61. A third EVAR is required on the driveway serving buildings #1, #2, #5 and #6. This EVA shall extend from the edge of pavement to Street 4, allowing fire apparatus to exit onto Street Four or enter from Street Four.
62. All of the approved EVARs shall be secured as required by the Hayward Fire Department. The EVAR's shall be constructed with appropriate materials including turf block when within landscaped area's
63. The development has been presented as a condominium subdivision (R-1 occupancy) with 3 story structures having garages at grade level and two floors of living space above the garage. Design and construction shall meet the California Fire Code and all applicable City ordinances and amendments in use by the Hayward Fire Department.
64. The maximum height of the proposed buildings shall not exceed an average of 35 feet (measured from the bottom of the structure to the top of the roof pitch).
65. Each building will be required to have an automatic fire sprinkler system installed per NFPA 13 Standards. This requirement includes the installation of fire sprinklers within all living spaces areas, garages, under combustible decking (if applicable), crawl spaces, foyers and porches, and any other area deemed hazardous by the Fire Marshal.

66. In addition, each building shall have a dedicated underground fire service lateral installed for the fire sprinkler system meeting NFPA 24.
67. The Fire Department Connections (FDC) and Post Indicator Valves (PIV) that serve the fire sprinkler system shall be installed in acceptable locations as approved by the Fire Department.
68. Exterior local alarm bell(s) shall be installed on each fire sprinkler system riser.
69. Interior audible devices shall be installed within each condominium unit and shall be capable of activating upon any fire sprinkler system waterflow activity.
70. A manual and automatic fire alarm (evacuation) system will be required within each building. The system will require manual pull stations, audible and visual devices and smoke detectors within all common areas of the building and shall be in conformance with NFPA 72 Standards.
71. Units within buildings that may be designated for handicap individuals will require additional life safety features which will include additional fire notification devices as part of the manual and automatic fire alarm (evacuation) system.
72. Central station monitoring is required for any fire sprinkler system installation which has more than 100 fire sprinkler heads and for the fire alarm system.
73. Interior (single-station) residential smoke detectors shall be installed within each condominium unit. Smoke detectors shall be installed per the CBC and shall be hard wired with battery backup. Single-station smoke detectors shall not be interconnected to the buildings fire alarm system.
74. Portable fire extinguishers having a minimum rating of 2A:10BC shall be installed in common areas and locations of each building as required by the Hayward Fire Department.
75. Addressing for each building as well as individual units shall be assigned and approved by the Fire Department. Numbers shall be a minimum of 4 inches in height (self-illuminated) and be visible from the street.
76. Approved spark arrestors shall be installed on chimney caps.

Hazardous Materials

77. Submit copies of a Phase I Environmental Assessment to the Hayward Fire Department Hazardous Materials Office.

Retaining Walls

78. All retaining walls shall be constructed with decorative reinforced concrete. The exposed face of any retaining wall shall not exceed 6 feet from ground to top of wall.
79. The retaining wall/sound wall combination along the rail road property line shall be constructed with decorative reinforced concrete and shall incorporate vine pockets to allow landscaping to cover both sides.

Dedications, Easements and Deed Restrictions

80. The final map shall reflect:
 - a. Five-foot-wide public utility easements (PUE) along the edge of the public/private streets where necessary as determined by the City Engineer;
 - b. Dedication of joint access and maintenance easements over the joint driveways for the single family homes;
 - c. Dedication of right-of-way for the realignments of Myrtle, Meek and Filbert;
 - d. Abandonment of right-of-way for Cannery Court. The necessary utility easements shall be shown for the utilities which will remain in place.

Subdivision Agreement

81. Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

82. Required water system improvements shall be completed and operational prior to the start of combustible construction to the satisfaction of the Fire Chief.
83. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

84. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

- a. Grading and construction activities shall be limited to the hours 7:30 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on Saturdays, Sundays or holidays;
- b. Grading and construction equipment shall be properly muffled;
- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information;
- f. The developer shall participate in the City's recycling program during construction;
- g. Daily clean-up of trash and debris shall occur on neighborhood streets utilized by construction equipment or vehicles making deliveries;
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;

- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place;
 - r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See *"Building Maintenance/Remodeling"* flyer for more information;
 - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
85. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
86. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

87. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per condition of approval No. 22 above.
88. Construction Administration services shall be provided by the project landscape architect. Services to include:
- a. Observation of irrigation system before burying pipes;
 - b. Observation of plant material upon delivery to the site;
 - c. Observation of layout and placement of plant material upon delivery to the site;
 - d. Observation for maintenance period commencement; and
 - e. Observation for final acceptance.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

89. The applicant/developer shall pay the following fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits:
- a. Supplemental Building Construction and Improvement Tax;
 - b. School Tax;
 - c. Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued; and
 - d. Park In-lieu fees for each dwelling unit at the rate in effect when the building permit for unit is issued.
90. Any damaged curb, gutter and/or sidewalk along the Myrtle Street, Meek Avenue, Filbert Avenue and West Winton Ave property frontages shall be repaired or replaced to the satisfaction of the City Engineer.
91. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
92. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

93. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
94. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
95. The improvements associated with the Pacific Gas and Electric Company, SBC and Comcast shall be installed to the satisfaction of the respective companies.
96. The subdivider shall submit an "as built" plan indicating the following:
 - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, SBC and Comcast, etc; and
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.



CITY OF HAYWARD MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that the following proposed project could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended:

I. PROJECT DESCRIPTION:

Project title: Cannery Court- Zone Change Application PL-2005-0167 and Cannery Commons- PL-2005-0273 – To change the zoning from High Density Residential to Planned Development and to construct 628 residential units (consisting of 18 single-family duet units, 602 townhouse units in rowhouse and cluster configurations, and 8 live/work units), and related roadway, utility, and open space/landscaping improvements. - Joe Felson for the Felson Companies and Charles McKeag for Citation Homes (Applicants). The project location is in the Cannery area and is bounded by the Union Pacific Railroad on the west, C Street on the north, Myrtle Street on the east and Winton Avenue on the south.

Description of project:

The project is planned in 2 phases: first, the planned development of 349 residential units by the Felson Companies; and second, the planned development of 279 units by Citation Homes. The Felson Planned Development application includes constructing: a mix of 161 rowhouse townhomes, 162 attached cluster townhomes, 8 live/work units, and 18 duet style attached single family homes. All the units range from 2 to 3 stories. The proposed street grid, areas of open space and pedestrian paths is consistent with the Hayward Cannery Area Design Plan (HCADP), approved in 2001. The type, location and density of the residential development also is consistent with the HCADP. The 27.2 acre site is in the south and west part of the 73 acre Sub-Area 2 of the HCADP. The project also includes for purposes of an access road and park area, four residential lots along the west side of Myrtle Street, to wit: 24047, 24059, 24071, and 24097 Myrtle Street.

The Citation Planned Development application includes constructing a mix of 279 attached rowhouse style dwelling units. All the units also range from 2 to 3 stories. As with the Felson plan, the proposed street grid, areas of open space and pedestrian paths are consistent with the HCADP. The type, location, and density of the residential development also is consistent with the HCADP, with the following minor variations: Block 3 (the northern most block opposite Cannery Park) is 30.28 dwelling units/acre instead of the 30 dwelling units/acre referred to in the HCADP. The Citation Plan is in conformance with the General Plan density of 17.4-34.8 dwelling units/net acre for the area. In addition, the Citation Plan proposes no retail development near Cannery Park as called for in the HCADP and Block 3 is 3.5 acres in size instead of the 2.68 acres as called out in the HCADP. The 19.08 acre site is in the western and northern part of the 73 acre Sub-Area 2 of the HCADP.

The total site area is 46.28 acres.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

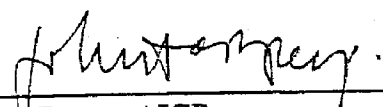
The proposed project, as mitigated, could not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment that could not be mitigated as indicated below.
2. The project will not adversely affect any scenic resources. A lighting plan will be required to ensure that light and glare does not affect area views. Landscape plans will also be required.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practices (BMP) program prior to the issuance of any grading or building permit. This program will include sprinkling the site with water as needed to keep dust to a minimum.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands. The site does not contain habitat that is suitable for rare plant species or their habitats or special-status species.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project site is not within the Earthquake Hazard zone, although it may be subject to strong seismic ground shaking during a strong earthquake. The Hayward Fault is approximately 1.8 miles from the site. In order to mitigate effects of ground shaking, the buildings are required to be constructed in accordance with Uniform Building Code requirements relating to earthquake safety in residential structures.
8. The project will not lead to the exposure of people to hazardous materials. To ensure that potential impacts relating to the presence of hazardous materials remain at a level of insignificance, the following mitigation measures have been incorporated as mitigation measures and conditions of approval of the project:
 - The City of Hayward along with the applicant must continue to work with the California RWQCB – San Francisco Bay Region to obtain environmental and health-based site clearance.
 - Prior to construction activities, the applicant and the City must obtain a health-based clearance and meet conditions of clearance from the California RWQCB.

9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff.
10. The project is consistent with the policies of the City General Policies Plan, the Hayward Cannery Area Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources.
12. The project will not have a significant noise impact. Any noise impacts will be limited to the construction of the project, which will be limited to the hours of 7 a.m. to 7 p.m. except as otherwise allowed.
13. The project will not displace people or housing or induce substantial growth.
14. With the exception of schools and parks, the project will not result in a significant impact to public services. Mitigation measures to reduce school and park impacts to a level of insignificance have been documented in the Negative Declaration.
15. The project would have a measurable impact on recreation facilities and mitigation measures to reduce these impacts to a level of insignificance have been documented in the Negative Declaration.
16. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access..
17. The project would not result in a significant impact to utilities and services.

III. PERSON WHO PREPARED INITIAL STUDY:



John Torrey, AICP

Dated: October 17, 2005

I. COPY OF ENVIRONMENTAL CHECKLIST IS ATTACHED

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4200

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Provide a copy to the Alameda County Clerk's Office and the State Clearinghouse.

- Reference in all public hearing notices to be distributed 30 days in advance of initial public hearing and/or published once in Daily Review 30 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

ADDENDUM TO NEGATIVE DECLARATION

p. 27, Hazardous Materials, Impact VII c.:

Mitigation measure should read:

"Because the RWQCB and the BAAQMD are the agencies overseeing remediation of the Felson and Citation sites, public noticing for schools will occur if problems are anticipated to occur and remediation will be implemented."



Environmental Checklist Form

1. Project title: *Planned Development Permit PL-2005-0167; Planned Development Permit PL-2005-0273*
2. Lead agency name and address: *City of Hayward Planning Division*
3. Contact person and phone number: *John Torrey, AICP, 510-583-4003*
4. Project location: *Site is bounded by the Union Pacific Railroad tracks on the west, Winton Avenue on the south, Myrtle Street on the east, and C Street on the north.*
5. Project sponsors' name and address: *Charles McKeag, Citation Homes, 404 Saratoga Ave., Suite #100, Santa Clara, CA 95050; Joe Felson, Felson Companies, Inc., 1290 B Street, Suite 212, Hayward, CA 94541*
6. General plan designation: *High Density Residential*
7. Zoning: *High Density Residential (with SD4 Special Design District Overlay)*
8. Background and introduction: *This Initial Study provides an environmental analysis pursuant to the California Environmental Quality Act (CEQA) for the proposed two-part Cannery area residential subdivision project, which is comprised of a 349 unit subdivision being developed by the Felson Companies (Hayward Tract No. 7613) and a 279 unit subdivision being developed by Citation Homes (Hayward Tract No. 7625). The environmental analysis for the proposed project is tiered from the 2001 Hayward Cannery Area Design Plan Environmental Impact Report (HCADP EIR), which includes program level, project-specific, and cumulative impacts for the project area.*

The tiering process may be used when the project is consistent with the program, plan, policy, or ordinance for which the program EIR was prepared.

The HCADP Program EIR was prepared pursuant to Section 15168 of the California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.). The HCADP EIR analyzed full implementation of the Hayward Cannery Area Design Plan and identified measures to mitigate the significant adverse project and cumulative impacts associated with that project.

The CEQA concept of "tiering" refers to the coverage of general environmental matters in broad program-level EIRs, with subsequent focused environmental documents for individual projects that implement the program. The environmental review for a later project is then limited to significant environmental effects that were (1) not examined in the program EIR or (2) previously examined and are susceptible to substantial reduction or avoidance through project revisions or mitigation measures. The project environmental document, a Mitigated Negative Declaration, incorporates by reference the discussions in the Program EIR and concentrates on project-specific issues. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of

issues that were adequately addressed in the Program EIR and by incorporating those analyses by reference.

Therefore, in accordance with CEQA Sections 15152 and 15168(c), this environmental analysis of the Proposed Project is tiered from the HCADP EIR (State Clearinghouse # 2001032099), which is hereby incorporated by reference.

The tiering of the environmental analysis for the proposed project allows this Tiered Initial Study to rely on the HCADP EIR for the following:

- (a) a discussion of general background and setting information for environmental topic areas;
- (b) overall growth-related issues;
- (c) issues that were evaluated in sufficient detail in the HCADP EIR for which there is no significant new information or change in circumstances that would require further analysis; and
- (d) long-term cumulative impacts.

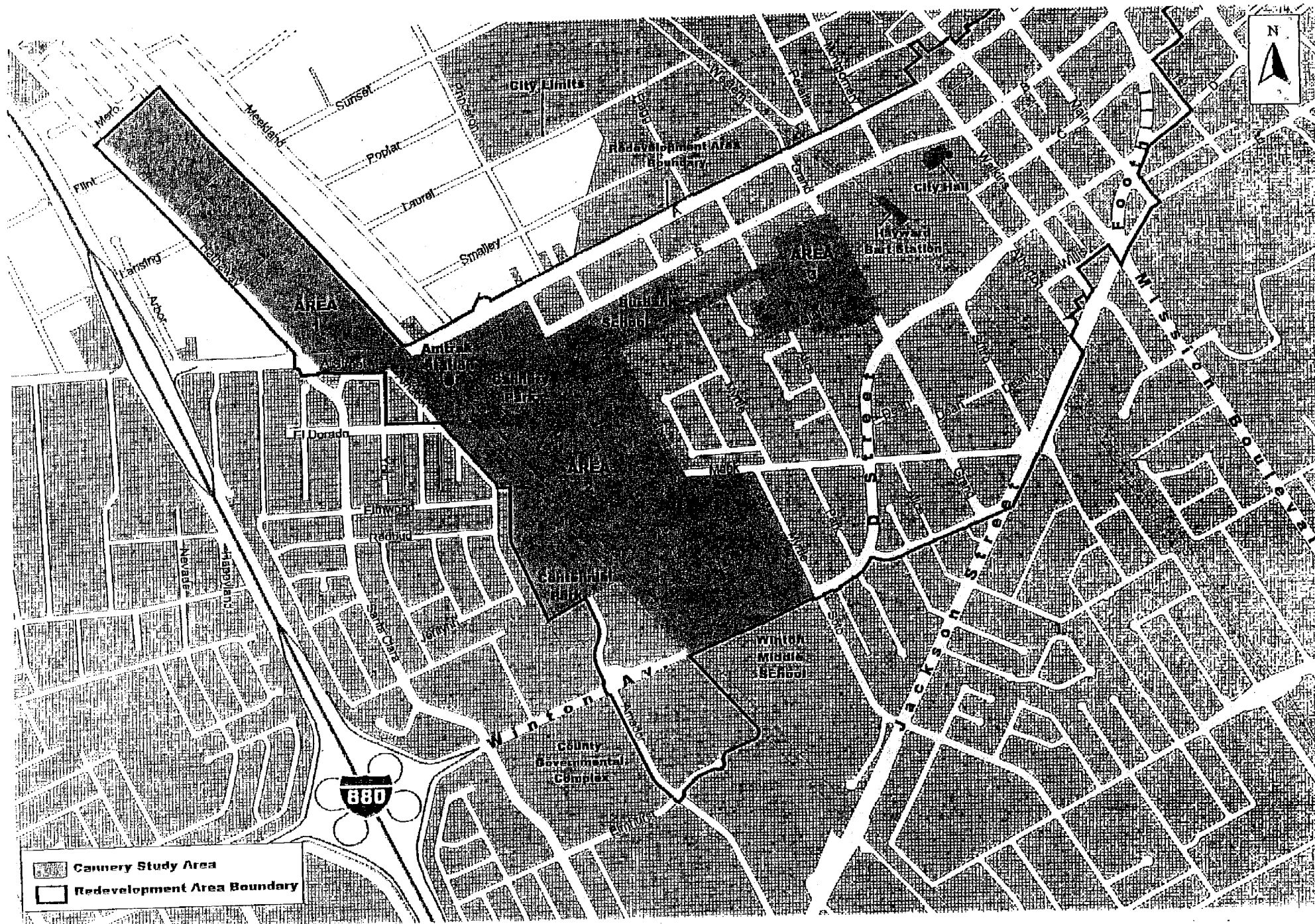
Thus, this Initial Study should be viewed in conjunction with the HCADP EIR. The purpose of this Initial Study is to evaluate the potential environmental impacts of the project with respect to the HCADP EIR to determine what level of additional environmental review, if any, is appropriate.

Mitigation measures identified in the HCADP EIR that apply to the proposed project will be required to be implemented as part of the project. These mitigation measures may be further clarified in the environmental review to address impacts specific to this project. Project-specific mitigation measures for new potentially significant impacts that were not previously identified in the HCADP EIR will also be required to be implemented as part of the proposed project.

Description of project: The project is planned in 2 phases: first, the planned development of 349 residential units by the Felson Companies; and second, the planned development of 279 units by Citation Homes. The Felson Planned Development application includes constructing: a mix of 161 rowhouse townhomes, 162 attached cluster townhomes, 8 live/work units, and 18 duet style attached single family homes. All the units range from 2 to 3 stories.. The proposed street grid, areas of open space and pedestrian paths is consistent with the Hayward Cannery Area Design Plan (HCADP), approved in 2001. The type, location and density of the residential development also is consistent with the HCADP (see Figure 1). The 27.2 acre site is in the south and west part of the 73 acre Sub-Area 2 of the HCADP (see Figures 2 and 3). The project also includes for purposes of an access road and park area, four residential lots along the west side of Myrtle Street, to wit: 24047, 24059, 24071, and 24097 Myrtle Street.

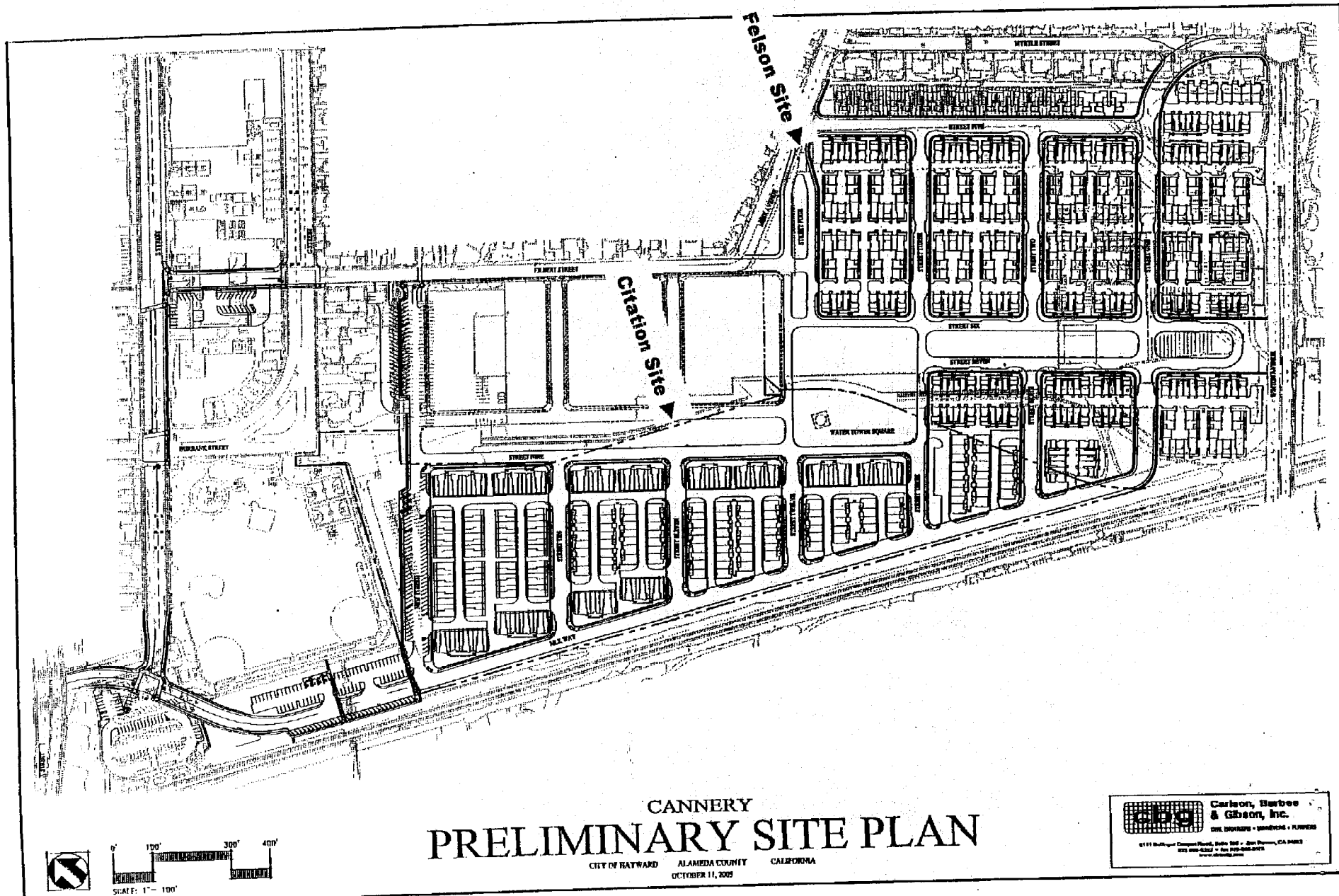
The Citation Planned Development application includes constructing a mix of 279 attached rowhouse style dwelling units. All the units also range from 2 to 3 stories. As with the Felson plan, the proposed street grid, areas of open space and pedestrian path are consistent with the HCADP. The type, location, and density of the residential development also is consistent with the HCADP, with the following minor variations: Block 3 (the northern most block opposite Cannery Park) is 30.28 dwelling units/acre instead of the 30 dwelling units/acre referred to in the HCADP. The Citation Plan is in conformance with the General Plan density of 17.4-34.8 dwelling units/net acre for the area. In addition, the Citation Plan proposes no retail development near Cannery Park as called for in the HCADP and Block 3 is 3.5 acres in size

Figure 2 Sub-Areas
Source: Hayward Cannery Area Design Plan



Cannery Study Area

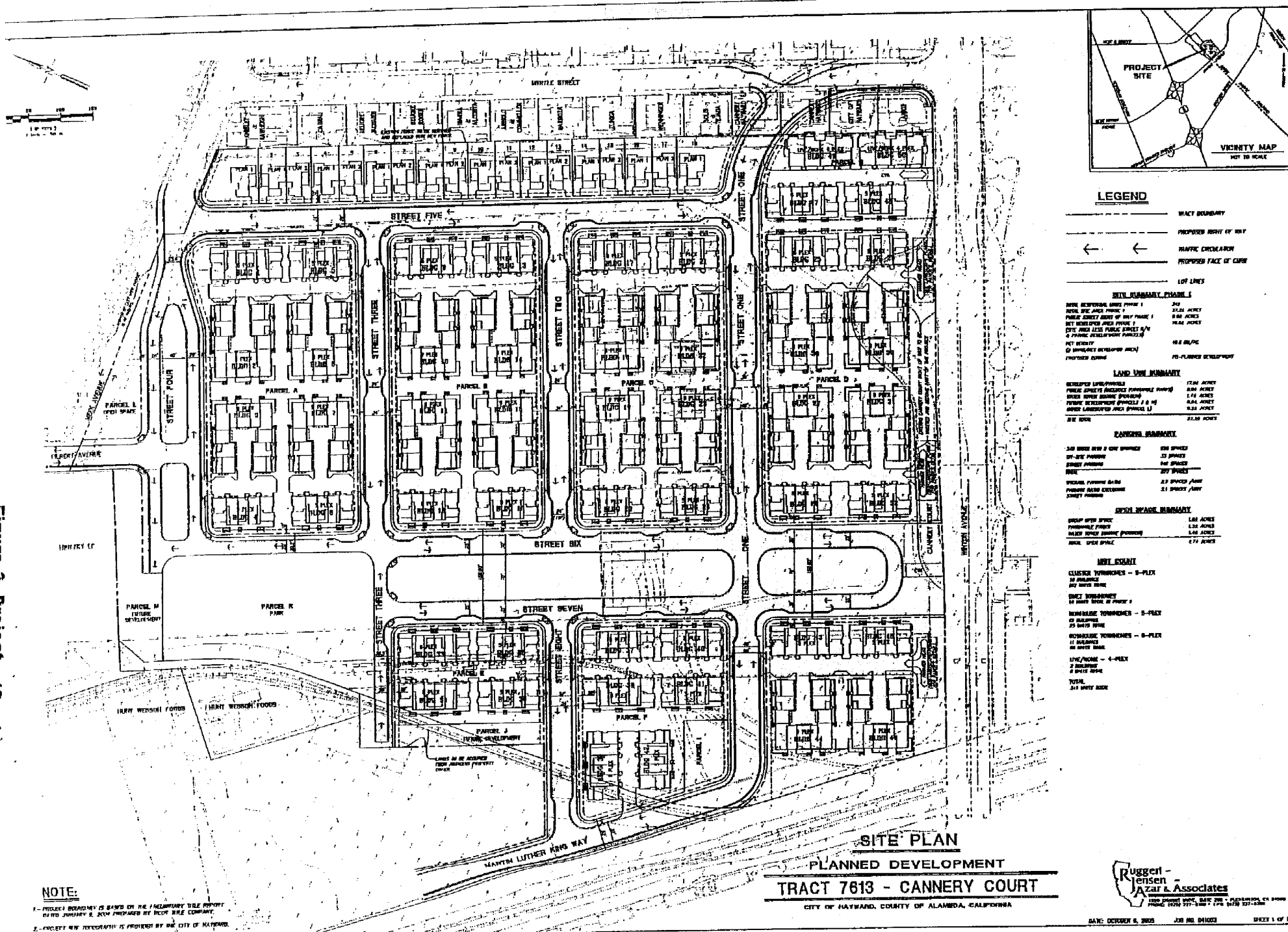
Figure 3 Project
Source: Felson Companies & Citation Homes



CANNERY PRELIMINARY SITE PLAN

CITY OF RAYWARD ALAMEDA COUNTY CALIFORNIA
OCTOBER 11, 2002

ebg Carlson, Surber & Gibson, Inc.
CIVIL ENGINEERS • ARCHITECTS • PLANNERS
6111 Shattuck Avenue, Suite 100 • San Francisco, CA 94121
415.774.4322 • Fax 415.774.4323
www.ebg.com



1. - PROJECT BOUNDARY IS BASED ON THE PRELIMINARY TITLE REPORT DATED JANUARY 2, 2004 PREPARED BY DEER HOLE COMPANY.
2. - PROJECT RITE TELEGRAPHY IS PROVIDED BY THE CITY OF NATHAN.

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

1 1980 PONTIAC PRIDE, DATE 200 - PLACERHILL, CA 95954
PHONE: (916) 777-8100 • FAX: (916) 737-8100

DATE: OCTOBER 6, 2008 JOB NO. 041003 SHEET 1 OF 1

Figure 3 Project (Cont.)
Source: Citation Homes

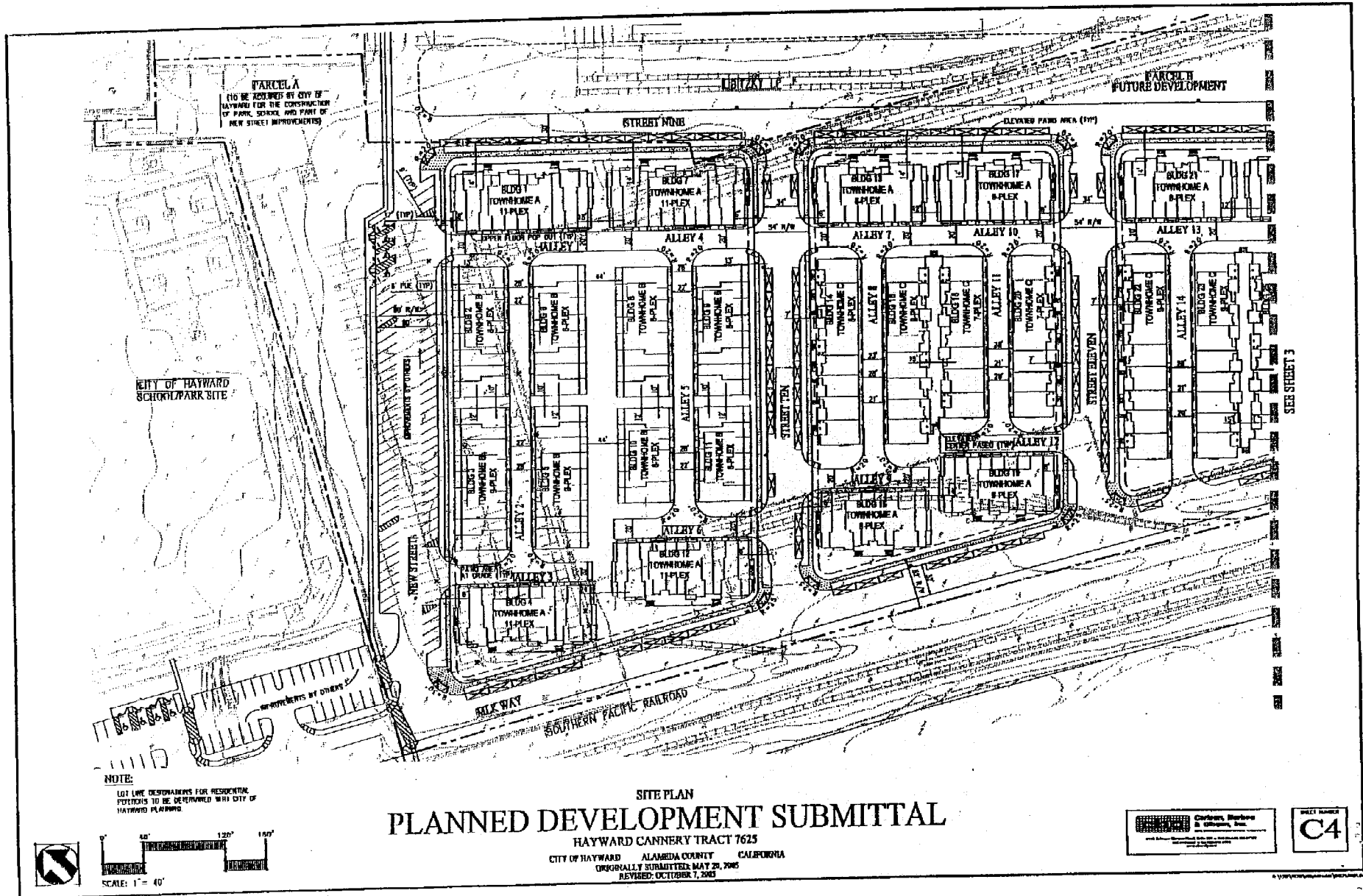
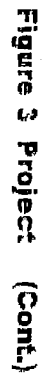


Figure 3 Project (Cont.)



instead of the 2.68 acres as called out in the HCADP. Regarding the latter, the size of Block 3 increased when: 1. live/work units were eliminated from the Citation Plan reducing the need for "head in" parking on the street between Block 3 and the block south of it; and 2. the redesign of the Burbank School/Cannery Park site to the north of Block 3 resulted in a smaller site, allowing Block 3 to be increased in size. The 19.08 acre site is in the western and northern part of the 73 acre Sub-Area 2 of the HCADP (see Figure 3).

With respect to the Felson plan, the homes are designed to look like individual units in an urban setting, with their own separate address and elevation. The architectural elevations are a complement of traditional styling with contemporary craftsman and bungalow detailing. All the units feature pitched roofs with overhanging eaves, a soft pastel color palette, and a mix of board and batt and clapboard siding. A series of private landscaped pedestrian walkways or "paseos" are included in the plans. The paseos are approximately 20 to 33 feet in width, are designed to separate the buildings, integrate the public and private open space areas and provide vistas and a sense of openness in the open areas. Currently situated on the site is a 400,000 square foot warehouse building, leased to three separate tenants. The existing building on the site will be deconstructed in the early stages of the project to make way for the proposed development.

With respect to the Citation plan, the homes are also designed to look like individual units in an urban setting, with their own separate address and elevation. The proposed architecture is characterized as "Spanish Colonial Revival" style. The project features pitched roofs, asymmetrical facades, and deep set windows. Arches above doors and windows are features of this style. As with the Felson plan, a series of private landscaped pedestrian walkways or "paseos" are included in the plan, ranging in size from 44 feet in Block 3 (building to building measurement) to 15 feet (building to building) for the other mid-block paseos. Currently on the site is a 275,000 square foot warehouse and former cannery facility leased to a freight forwarding company. The existing building on the site and the aforementioned four houses along Myrtle Street will be deconstructed to make way for the proposed development.

Both plans have private access from 2-car garages and private open space within patios and/or upper level decks. Both plans also conform to the City's Inclusionary Housing Ordinance requiring 15% of the units to be available for moderate, low, and very low income households.

Access to the site will be provided from Filbert Ave. on the north, Meek Ave. on the east, Winton Ave. and Myrtle Street on the south, and ultimately a proposed new roadway paralleling the Union Pacific Railroad tracks on the west. These streets will connect to internal streets in the planned development. The most direct access from the freeway is via Winton Ave. to Myrtle Street on the south and A Street on the north. Sub-area 2 is about one-half mile from Interstate 880 and about one mile from the Hayward BART station and the downtown area. There is also an AMTRAK station at the northwest corner of Sub-area 2 and within about one half mile of the site. There will also be an access road beneath the Winton Avenue elevated roadway to connect Street One to the mini warehouse development formerly served by Cannery Court (to be abandoned by the City as part of this project).

9. Surrounding land uses and setting: Briefly describe the project's surroundings: Surrounding existing land uses consist of single family residential units to the east, four lane Winton Avenue to the south, the existing 14.9 acre Cannery Park & Burbank School complex to the north, and the Union Pacific Railroad tracks to the west.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

California Regional Water Quality Control Board

California Department of Toxic Substances Control

Alameda County Flood Control & Water Conservation District

Alameda County Planning Department

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

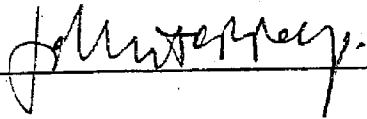
- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology /Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature



10/17/05

Date

John Torrey AICP
Printed Name

City of Hayward
Agency

ENVIRONMENTAL ISSUES:

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

- a) Have a substantial adverse effect on a scenic vista?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The project replaces a warehouse/industrial environment with a residential neighborhood. There are no adverse effects on scenic vistas. As discussed in "Aesthetics and Light & Glare" in the HCADP EIR (Section 4.1), approval of the project, and the specific project under review, would improve resident and visitor views and vistas, including views of the Hayward hills.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: There are no scenic resources such as rock outcroppings or trees or historic buildings within a state scenic highway that would suffer damage from the project. The existing water tower will be preserved in the planned Water Tower Square in the center of the project.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The project is in an area zoned high density residential and is surrounded by lower density residential uses on the east side of the project. Substantial effort has been made to ensure that the project design is consistent with the surrounding uses. The architectural design of the single family duet units and the higher density rowhouse and courtyard type townhouse units makes them all appear as individual units. The project unit designs complement the surrounding single family uses. The pedestrian friendly site plan and front porch entrances to the residential units, with parking in the rear, convey a neighborhood character in keeping with the surrounding area.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No Impact: Since the project is already urbanized, street lights and exterior lighting are currently in place. Redevelopment of the area is therefore not anticipated to add significant new amounts of lighting to the area. To minimize any off-site light and glare impacts that may occur as a result of this proposal, project design shall incorporate downward directed lighting ("cut-off luminaires") to direct security lighting downward and reduce off-site light scatter, while providing sufficient illumination for security and safety.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Sources:

Hayward Cannery Area Design Plan EIR
Project Description and Plans

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: No farmland, unique farmland, or farmland of statewide importance will be converted.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The site is not zoned for agricultural use and there are no Williamson Act contracts on the site.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: See Comment under II. a above.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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Sources:

Hayward Cannery Area Design Plan EIR
Project Description and Plans

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

☐ ☒ ☐ ☐

Potentially Significant Unless Mitigation Incorporated: See Impacts & Mitigation Measures in III. b. below.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

☐ ☒ ☐ ☐

Potentially Significant Unless Mitigation Incorporated: The Bay Area Air Quality Management District ("BAAQMD") has established thresholds for determining the significance of potential air quality impacts. When operating, emissions from project related vehicle trips are not expected to reach a level that would violate these thresholds or contribute significantly to an existing or projected air quality violation. Note that in the discussion of air quality impacts in the HCADP EIR, 5174 average daily net new vehicular trips (after discounting the 4816 existing average daily trucks trips) would be generated by the buildout of the Hayward Cannery Area Design Plan, 4766 more trips than the proposed project (based on ITE trip generation rates for the project from ITE Trip Generation Manual, 6th Edition; see also Transportation section). Impact 4.2-2 on page 60 of the HCADP EIR makes clear that "such increases (as the 5174 trips) would be below the standard of air quality significance through the year 2025, as established by the Bay Area Air Quality Management District (BAAQMD)."

The new residential land uses proposed within the Cannery Area would result in the elimination of truck traffic associated with the existing warehouse and light industrial uses (now about 3348 average daily trips), resulting in beneficial air quality impacts.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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Approval of the project will result in short term air quality impacts related to grading and construction and on-going air quality impacts related to increased auto-trips and congestion. The short term impacts will include dust generated by clearing and grading activities, exhaust emissions from gas- and diesel powered construction equipment, and vehicular emissions associated with the commuting of construction workers, and it is likely that the State's particulate standard may be temporarily exceeded in surrounding areas. However, these impacts would be similar to impacts generated by similar development projects in the City.

This impact was addressed in the HCADP EIR and this further mitigation will avoid or reduce the impact.

Mitigation Measures: To mitigate the identified air quality impacts, the following measures should be incorporated into the construction contract documents of both projects:

1. Water all active construction areas at least twice daily.
2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer).
3. Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas.
4. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas.
5. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Coordinate streets to be swept with the City Engineer.
6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
7. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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11. Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas if conditions warrant.
12. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
13. Limit the area subject to excavation, grading and other construction activity at any one time.
14. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints at the construction sites. This person shall respond and take corrective action within 24 hours. The telephone number of the AQMD shall also be visible to ensure compliance with BAAQMD Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.

Implementation of these mitigation measures would result in less than significant impacts.

Monitoring:

The mitigation measures above will be carried out by the applicants and submitted to the City of Hayward Public Works Department for clearance prior to issuance of any construction or grading permits. Construction inspectors will ensure compliance as part of their project review.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

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See comments and Mitigation Measures for III. b above.

Less Than Significant Impact: As discussed on page 61 of the HCADP EIR, with respect to the project's contribution to permanent regional air quality impacts, there is consistency between the City population growth projections and controls on toxics and odors and BAAQMD Transportation Control Measures. Accordingly, less than significant impacts are anticipated with respect to long term, cumulative air quality impacts.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Less Than Significant Impact: The project would not involve emissions of toxic air contaminants or potential accidental release of hazardous air materials. There are no sources of toxic air contaminants or potential sources of accidental releases of acutely hazardous air materials within the immediate project vicinity.

If uncontrolled, dust generated by project grading activities could cause adverse health effects and nuisance concerns at downwind locations. However, the conditions of approval of required grading permits would include measures, such as watering of exposed earth that would minimize construction-related dust emissions, as set forth above.

As discussed in Section VII, Hazardous Materials, because the buildings to be deconstructed may contain asbestos materials and lead paint, it may be necessary to perform an asbestos survey that adheres to EPA's National Emission Standards for Hazardous Air Pollutants (NESHJAP) sampling protocol as well as a lead-based paint survey, if necessary, prior to planned building demolition activities. See VII. Hazardous Materials for a discussion of impacts, mitigation measures, and monitoring on this item.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The project would not involve activities that generate objectionable odors. In addition, the City Zoning Ordinance requires that planned uses do not present a nuisance to existing or other planned uses.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Sources:

Hayward Cannery Area Design Plan EIR
Project Description and Plans

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The Downtown Redevelopment Plan Amendment EIR found the project area to be generally urban in nature. Vegetation is limited to ornamental, introduced species of trees, shrubs and groundcover found as part of building landscaping, local parks and vacant sites. Animals were found to include those species adapted to urban environments, including various bird species, small rodents and mammals and reptiles. The project site is not located within a Habitat Conservation Plan or Natural Community Conservation Plan area. There would be no significant impacts to any species identified as candidate, sensitive, or special status:

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: A portion of Sulphur Creek extends through the Cannery area to the north of the project. Although a significant portion of the creek has been contained in underground pipes, portions of the creek continue to flow in an open, engineered channel. That portion of the creek nearest the project is in storm drains or culverts that traverse the site in an east west direction along Meek Ave. and Filbert Street. Because the proposed project would be approximately one half mile from the open portions of Sulphur Creek (see Exhibit 9 of the HCADP Draft EIR) and because surface water runoff is expected to decrease and be treated and filtered before release to the storm drain system as the project transitions from warehouse/industrial uses to residential type uses, no impacts on Sulphur Creek are expected as a result of the project. Existing storm drains on the site would be removed and new storm drains installed to coincide with the new street grid. Additionally, Best Management Practices (BMPs) would be required of the project by the City of Hayward to improve surface water quality. A beneficial impact is anticipated as a result of the project.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See Comment in IV.a.

No Impact: The Sulphur Creek area may constitute a jurisdictional wetland area and contain a riparian habitat for plants and animals. However, the proposed project, while it includes a small portion of Sulphur Creek's covered storm drain/culvert, would have no direct impact on Sulphur Creek and its associated wetland areas and riparian habitats. Accordingly, there would be no impact to federally protected wetlands as defined in Section 404 of the Clean Water Act.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The proposed project is on a disturbed site in an urbanized area and is not expected to result in significant impacts to any species identified as candidate, sensitive, or special status because of the highly disturbed character of the Cannery area. Nor would the proposed project interfere with the movement of any fish or wildlife species. No impact is anticipated.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The project site is developed and would not require the removal or disturbance of sensitive biological resources or landmark trees. No impact is anticipated.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The City of Hayward does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would have no impact on these types of plans.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Sources:

Hayward Cannery Area Design Plan EIR
Project Description and Plans
Hayward General Plan Update EIR, 2001
Downtown Hayward Redevelopment Plan Amendment EIR

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The City shall require standard mitigation measures in connection with potential historical resources. Any historical artifacts unearthed on the site in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge. No historic or prehistoric resources are known to exist on the project site.

Potentially Significant Unless Mitigation Incorporated: The HCADP EIR (Section 4.4) identified an historic resource within the project area. Relocation of Myrtle Street may impact the historic house located at 24072 Myrtle Street.

This impact was addressed in the HCADP EIR and this further mitigation will avoid or reduce the impact.

Mitigation Measures: Plans for the realignment of Myrtle Street near 24072 Myrtle shall be reviewed by a qualified architectural historian to ensure that less-than-significant impacts would occur to this historic property.

Implementation of this mitigation measure will ensure that the project will have a less than significant impact with respect to historic resources.

Monitoring: The City of Hayward Engineering & Transportation Division and the developer shall jointly review the improvement plans for Myrtle Street.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Unless Mitigation Incorporated: No prehistoric or archeologically significant resources have been identified within the project area. If previously unknown resources are encountered during grading or utility placement activities, this could result in a potentially significant impact. The project will adopt standard mitigation measures in connection with potential archaeological resources.

This impact was addressed in the HCADP EIR and this further mitigation will avoid or reduce the impact.

Mitigation Measures:

-Any cultural remains exposed or discovered during the course of project work will be treated as an inadvertent discovery and procedures specified at 36 CFR §800.13 will be followed. Any Native American Graves Protection and Repatriation Act related discoveries made during the course of construction will be handled with reference to a "Resource Protection Plan" conforming to CEQA Appendix K prepared by a qualified archeologist and approved by the Hayward Community and Economic Development Director.

Implementation of this mitigation measure will ensure that the project has a less than significant impact related to archeological resources

Monitoring: Project developers and the City of Hayward Building Inspection Division shall share responsibility for monitoring the mitigation during grading and construction of the project.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact. No paleontological resources are known to exist at the project site.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact. See Comment under V.b.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Sources:

Hayward Cannery Area Design Plan EIR
Project Description and Plans

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Less Than Significant Impact: A geotechnical engineering report was prepared for the Felson project site by Geotechnical Engineering, Inc. The report is included in Appendix B. The geotechnical engineering report for the Citation project was prepared by Terrasearch, Inc. and is included in Appendix C. Both project sites are located outside a "State of California Special Studies Zone." The site is approximately 1.8 miles west of the active Hayward fault. Depending on the magnitude and intensity of earthquakes, the residences will probably experience "very strong" shaking during the life of the project. The potential for fault rupture is low.

It is likely that the site will be subjected to a major earthquake during the life of the proposed structure. According to the HCADP Draft EIR (Section 4.5), no active faults are believed to exist within the project site. Therefore, during such an event it is unlikely that surface rupture due to faulting or severe ground shaking will occur at the site; however, ground-shaking may be violent. As a standard condition of approval, the applicants will be required to follow Uniform Building Code requirements to ensure that seismic impacts are less than significant.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ii) Strong seismic ground shaking?

See Comment under VI.a.

Potentially Significant Unless Mitigation Incorporated: According to the HCADP Draft EIR, during a major earthquake on a segment of one of the nearby faults, moderate to strong ground shaking can be expected to occur within the project area. Strong shaking during an earthquake could result in damage to buildings, roads, utility lines and other structures with associated risk to residents, employees and visitors in the area. The proposed project will be required to be built to the most recent Uniform Building Code regulations.

This impact was addressed in the HCADP EIR and this further mitigation will avoid or reduce the impact.

Mitigation Measures:

- The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
- New construction is required to comply with the Uniform Building Code (UBC) standards, portions of which are dedicated to minimizing seismic risk.
- Mitigation measures outlined in the Geotechnical Engineering and Terraseach reports shall be followed.

Implementation of these mitigation measures will reduce geotechnical impacts to a level of insignificance.

Monitoring: The mitigation measures are required prior to approval of a building permit. Monitoring responsibility lies with the project developer and City of Hayward Building Inspection and Engineering & Transportation Divisions.

iii) Seismic-related ground failure, including liquefaction?

See Comment under VI. a.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Unless Mitigation Incorporated: Based on published State of California quadrangle maps, the property is located within a potential liquefaction hazard area. Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. Seismic ground failure, including liquefaction and subsidence, is likely at this site.

Liquefaction and seismic settlement analyses were performed. Based on the standard penetration testing (SPT) obtained by means of hollow-stem auger drilling methods, laboratory testing of soil samples, and analyses by Geotechnical Engineering, Inc., liquefaction is anticipated to occur as a result of the design basis earthquake. As a result, there is a potential for seismic settlement at the site. In the event of a design basis earthquake (0.65g and a magnitude of 7.1) there is a potential for seismic settlement to occur within silty clay and sandy clay strata encountered at 30 to 40 feet. The analysis indicated that a total seismic settlement of about 2 inches would occur as a result of shaking caused by the design basis earthquake. This settlement may not occur uniformly over the site due to variations in the thicknesses of different soil layers; therefore, a differential seismic settlement of about 1 inch varying linearly should be anticipated. This impact is considered potentially significant.

This impact was addressed in the HCADP EIR and this further mitigation will avoid or reduce the impact.

Mitigation Measures:

-Increase the rigidity of the foundation/floor system of the planned buildings. Specifically, continuous wall footings are recommended including two No. 5 rebars both top and bottom. The floor slab should also be reinforced using No. 3 reinforcing rebars in both directions with the slab securely connected to perimeter foundations using No. 5 rebars at 18 inch intervals.

-Mitigation measures outlined in the Geotechnical Engineering and Terraseach reports shall be followed.

Implementation of these mitigation measures will reduce seismic-related ground failure impacts to a level of insignificance.

Monitoring:

-Responsibility for mitigating liquefaction impacts will be shared between the applicant and the City Building Inspection and Engineering & Transportation Divisions prior to issuance of building permits.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>No Impact.</u> The site is on relatively level land. The site and surrounding area does not contain steep slopes and is relatively devoid of topographic changes. The project will not result in or expose people to potential impacts involving landslides or mudflows</p> <p>This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.</p>				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>See Comment under VI.a.</p> <p><u>Less Than Significant Impact:</u> The proposed construction of a housing development and associated streets and parking will not increase the amount of impervious surface area on-site. In fact, the amount of open space provided in the project will exceed the amount of existing open space on the site. Due to the fact that the site is relatively flat with existing drainage and the developed nature of the surrounding environment, site soil modifications are not expected to result in potentially significant impacts.</p> <p>This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.</p>				
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>Potentially Significant Unless Mitigation Incorporated:</u> See Comments and Mitigation Measures to VI. a. above.</p>				

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Potentially Significant Unless Mitigation Incorporated: According to the Preliminary Soil Investigation, there is expansion potential of the soils at the site.

This impact was addressed in the HCADP EIR and this further mitigation will avoid or reduce the impact.

Mitigation Measures:

-The internal slabs-on-grade should be properly reinforced by No. 3 rebars 18 inches on center, running both ways, and underlain by a layer of granular base. The base materials should consist of clean, free draining crushed rock or drain rock. After the subgrade has been properly compacted under supervision, at least 6 inches of drain rock or properly compacted crushed rock should be placed beneath any slabs. The sand and gravel should be covered with Vapor Block 10 membrane or Moistop Under Slab to act as a vapor barrier in order to prevent condensation beneath interior slabs. The membrane should be covered, in turn, with at least 2 inches of sand for protection during construction.

-Mitigation measures outlined in the Geotechnical Engineering and Terraseach reports shall be followed.

See also Comments under VI.a.i and VI.a.iii.

Implementation of these mitigation measures will reduce expansive soil impacts to a level of insignificance.

Monitoring: *The mitigation measures are required prior to approval of a building permit. Monitoring responsibility lies with the project developer and City of Hayward Building Inspection and Engineering & Transportation Divisions.*

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

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No Impact: The project would be required to connect to City water and sewer services and would not use septic systems. Therefore, no impact would occur.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Sources:

Hayward Cannery Area Design Plan EIR

Project Description and Plans

Preliminary Soil Investigation, Including Liquefaction Analysis, Planned Residential Development, 24 Cannery Court (Felson Project), Hayward, February, 2005

Geotechnical Investigation on Proposed Residential Development, Cannery Commons Tract 7625 for Citation Homes, Terrasearch, Inc., 2005.

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

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Potentially Significant Unless Mitigation Incorporated: AEI Consultants has completed a Phase I Environmental Site Assessment for the Felson project site in June, 2005. This report is included in Appendix D. Terrasearch, Inc. completed a Phase I and Phase II Environmental Site Assessment for the Citation project site in December, 2004. These reports are included in Appendices E and F respectively. The findings of both investigations reveal the following potentially significant environmental impacts.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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Felson Site:

-Historic use of 21 Cannery Court as a truck maintenance and repair facility indicate it involved the use and disposal of hazardous materials. Materials observed within the repair shop and associated storage areas included drums of new and used motor oil; a five-gallon container of trichloroethane (TCA); one 55-gallon drum of C-Solv industrial degreaser; waste water filters; containers of oils, greases and lubricants; antifreeze; and parts washers. Significant staining was observed in all the storage areas of these materials, specifically new and used motor oil. The staining was located on concrete floors.

-Memos on file at HFD report a release of 65 gallons of diesel fuel at 24 Cannery Court on August 31, 1998. The spill was remediated but a report confirming the remediation with soil samples is not available as of the date of this Negative Declaration.

-The subject property has been used historically used for agricultural purposes. There is a potential that pesticides, herbicides and fertilizers were used on site.

-Equipment that appeared to be associated with two water production wells at 24 Cannery Court was observed. Due to the presence of chlorinated volatile organic compounds (CVOCs) in the groundwater beneath the property, human exposure to groundwater could pose a potentially significant risk to health.

-Due to the age of the subject property buildings, there is a potential that asbestos-containing materials (ACMs) and/or lead-based paint are present.

Citation Site:

-The closure letters from the RWQCB and Hayward Fire Dept for the underground storage tanks (USTs) and sump indicate that petroleum and/or chlorinated solvents present within these former UST/sump pit locations are below action levels while this was an industrial site. However, no water quality and health based clearance letter has been obtained from the designated state agency (RWQCB) for the entire property and additional environmental work beyond the Terrasearch recommendations is anticipated prior to obtaining formal clearance of the property. closure of the property.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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-Due to the age of the existing building on site and past activities associated with the site, unknown USTs and/or sumps containing hazardous materials/wastes may be present beneath the structure. Furthermore, an asbestos containing material/lead based paint hazard is likely within the structure and airily deposited lead ADL may be present within the surficial soil beneath the site.

-A review of state and federal agencies and databases indicates that 2 unknown potential secondary contamination sites are located within a 0.25- mile radius of the site. One is the subject property and the other is Select Foods, and is located at a lower elevation than the subject property and therefore not a property of concern.

Hazardous materials impacts were addressed in the HCADP EIR and this further mitigation will avoid or reduce the impacts.

Mitigation Measures: To mitigate the identified hazardous materials, the following measures should be incorporated into the project:

Felson Site:

-Perform subsurface sampling to investigate whether the current and historic use of hazardous materials and/or petroleum products at 21 Cannery Court has impacted the subsurface of the property.

-Pesticide sampling due to proposed residential development.

-Evaluation and decommissioning of the current water production wells present at the property.

-Performing appropriate testing and/or implementing mitigation measures for PCB-impacted soil for residential redevelopment, as necessary per the RWQCB.

-Performing an asbestos survey that adheres to EPA's National Emission Standards for Hazardous Air Pollutants (NESHJAP) sampling protocol as well as a lead-based paint survey, if necessary, prior to planned building demolition activities.

Citation Site:

-Perform a Phase II Environmental Site Assessment at the at the former UST/sump areas.

-4 surficial soil samples should be collected from the property corners at approximately 0.5 feet to determine background metal concentrations.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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-Perform a soil-gas survey on the site and collect soil-gas from approximately 5-foot borings and analyze the vapor samples for VOCs. In addition, soil samples collected from the 0.5 and 1 foot soil borings on the southern part of the property should be analyzed for polychlorinated biphenyls PCBs

-Retain the services of state-certified lead based paint (LBP) and asbestos professionals to perform an LBP and asbestos survey on the existing buildings.

-Verify that industrial supply wells W-1, W-2, W-4, and W-5 were properly destroyed in accordance with Dept. of Water Resources regulations.

-During grading activities, if any basements, buried foundations, or reservoirs are encountered, then the Soil Engineer must be notified and the specific condition appropriately remedied in accordance with local, county, and state requirements.

-If any pipe that might lead to an UST is located during grading, it should be reported to the Soil Engineer and Hayward Fire Department. If any polyvinylchloride (PVC), concrete or metal pipes are exposed during grading, they should be removed and the Soil Engineer notified.

-During grading if any USTs, contamination, buried debris, or other potential adverse environmental conditions are encountered, the Soil Engineer and Hayward Fire Department must be notified and the situation remedied in accordance with local, county, state, and RWQCB requirements.

-Any excavation caused by the removal of trees, foundations, or any other object, should be left open for future geotechnical investigations and proper backfill, unless immediate backfill is necessary.

-At least 10 additional borings should be advanced to groundwater inside the building to evaluate potential contamination sources and retained for possible laboratory analysis.

-As requested by the RWQCB, a soil-gas survey should be conducted on the property to evaluate the potential emission of VOCs from the groundwater to the surface.

Implementation of these mitigation measures will reduce impacts to a level of insignificance.

Monitoring:
The mitigation measures above will be carried out by the Applicant and submitted to the City of Hayward Fire and Public Works Departments as well as the Regional Water Quality Control Board for clearance prior to any construction.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

See Impacts and Mitigation Measures in VII. a.

Potentially Significant Unless Mitigation Incorporated:

Felson & Citation Sites:

-Deconstruction of existing buildings and utility facilities could release hazardous and potentially hazardous materials into the atmosphere including asbestos containing materials (ACMs) and lead-based paints (LBPs), potentially resulting in health hazards to construction employees and local visitors and residents. This is a potentially significant impact.

-Construction of the project would involve the use of heavy equipment which uses small amounts of oils and fuels and other potentially flammable substances. During construction, equipment would require refueling and minor maintenance on location which could lead to fuel and oil spills. The Contractor will be required to identify a staging area for storing materials and equipment. The proposed project would not result in a significant risk of explosion or accidental release of hazardous substances. The use and handling of hazardous materials during construction activities would occur in accordance with applicable federal, state, and local laws including California Occupational Health and Safety Administration (CalOSHA) requirements.

Hazardous materials impacts were addressed in the HCADP EIR and this further mitigation will avoid or reduce the impacts.

Mitigation Measures:

Felson & Citation Sites:

-Prior to commencement of deconstruction activities within the project area, project applicants shall contact the

Hayward Fire Department which requires a closure plan for removal of hazardous material from the site

-For deconstruction of facilities appropriate approvals will be required, including approvals from the building division of the BAAQMD.

-Soil and Water Management Plans (SWMPs) shall be prepared for individual site development within the project area. SWMPs shall be prepared by a state-certified environmental professional and shall include, at a minimum, a description of soils to be graded or disturbed as

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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part of the project, detailed soil and water sampling to see if contaminants are present, procedures for removing contaminants (if found) and a list of agencies to be notified if contaminants are found. Closure letters and permits shall be obtained from appropriate agencies if site remediation is

Implementation of these mitigation measures will reduce impacts to a level of insignificance.

Monitoring:

The mitigation measures above will be carried out by the applicant and submitted to the City of Hayward Fire and Public Works Departments as well as the Regional Water Quality Control Board and BAAQMD for clearance prior to issuance of any deconstruction or grading permits.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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Felson & Citation Sites:

Potentially Significant Unless Mitigation Incorporated: Both the Winton Middle School on Winton Ave. close to the south end of the Felson project and the Burbank Elementary School to the north of the Citation project are within one-quarter mile of the proposed project. The project could potentially pose a significant environmental impact to the school students, faculty and staff.

Hazardous materials impacts were addressed in the HCADP EIR and this further mitigation will avoid or reduce the impacts.

Felson & Citation Sites:

Mitigation Measures:

-Consult with the affected school district regarding the potential impact of the proposed project on the school when circulating the negative declaration for review.

-Notify the affected school district of the project, in writing, not less than 30 days prior to approval of the negative declaration.

Implementation of these mitigation measures will reduce impacts to a level of insignificance

Monitoring:

The mitigation measures above will be carried out by the applicant and submitted to the City of Hayward Fire and Public Works Departments as well as the Regional Water Quality Control Board and BAAQMD for clearance prior to issuance of any deconstruction or grading permits..

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Felson Site:

Less Than Significant Impact: The DeNova Homes site at 22815 Sutro Street, approximately 2000 feet east of property, was identified as a CalSite. A release of chlorinated volatile organic compounds (CVOCs) was identified at this site when the site was used by a former solvent wash system. According to the Department of Toxic Substances Control, the risk is considered less than significant.

See also Impacts and Mitigation Measures in VII. a.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: Normal operations of the Hayward Executive Airport facility, which is approximately 1 1/2 miles from the project, would not result in safety related or other adverse impacts to people working at or near the project site. Therefore, this impact is considered less than significant.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: (See Comment in VII. e. above)

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The project would be designed to follow all emergency turnaround guidelines of the City of Hayward Fire Department. During development of the project no emergency access would be impeded by construction activities. Because the project would not interfere with emergency response plans or emergency evacuation plans, and would not place an undue burden on emergency response capabilities, the impact of the project on hazardous materials emergency response planning and services would be considered less than significant.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No Impact: The project site is surrounded by a mix of commercial and residential development. Based on the site's location in an urban area on the Bay side and west of Mission Boulevard, it would not be subject to wildland fires. No impact would occur.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Sources:

Hayward Cannery Area Design Plan EIR

Project Description and Plans

AEI Consultants, Phase I Environmental Site Assessment, June, 2005.

Phase I Environmental Site Assessment on the Unity Can Facility/Con Agra Property, Terrasearch, Inc., 2004

Phase II Environmental Site Assessment on the Unity Can Facility/Con Agra Property, Terrasearch, Inc., 2004

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact. According to the HCADP Draft EIR (Section 4.7), the quality of stormwater runoff from the project area would be expected to gradually improve as existing older industrial and warehouse sites are redeveloped using Best management Practices (BMPs) required by the City of Hayward to improve surface water quality. BMPs would reduce debris, landscaping chemicals, and heavy metals, oil and gas residues, and other items that reduce water quality. This is a beneficial impact; no mitigation required.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: According to the HCADP Draft EIR, redevelopment of the project area as part of the HCADP would reduce the amount of stormwater runoff from the project area, since existing large warehouses and associated parking lots would transition to a mix of housing, retail and office uses. New land uses would have more pervious surfaces than presently exist, allowing greater recharge of the underground water table and a smaller amount of stormwater runoff. This is a beneficial impact; no mitigation required.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Stormwater runoff is generally accommodated in an underground drainage system owned and maintained by the City of Hayward within local streets and arterials. Runoff is collected in the local system and transported via a regional drainage system maintained by the Alameda County Flood Control and Water Conservation District for ultimate discharge to San Francisco Bay. San Lorenzo Creek flows in an open channel northeast of the project area. Sulphur Creek is a smaller watercourse flowing underground through portions of the project area. It flows within an open channel for short stretch before re-entering an underground culvert (HCADP Draft EIR, Section 4.7, p. 90).

Potentially Significant Unless Mitigation Incorporated: During construction, short-term increases of soil erosion could result as the project area is stripped of the limited natural vegetation and exposure to wind and water erosion. This is a potentially significant impact.

Hydrology impacts were addressed in the HCADP EIR and this further mitigation will avoid or reduce the impacts.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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Mitigation Measures: The Applicant shall prepare an erosion and sedimentation control plan for implementation throughout project construction. The plan should be prepared in accordance with City of Hayward and RWQCB design standards.

This impact was addressed in the HCADP EIR and this further mitigation will avoid or reduce the impact.

Implementation of these mitigation measures will reduce impacts to a level of insignificance.

Monitoring: The applicant has the responsibility for developing the erosion and sedimentation control plan which will be monitored by the City of Hayward Engineering & Transportation Division prior to issuing grading permits.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

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No Impact: Since the site would drain into the existing storm drainage system and since the amount of surface runoff would be expected to decrease as a result of the project, the transition from large warehouses and associated parking lots to a mix of residential and retail uses, new land uses would have more permeable surfaces than presently exist. As a result, greater recharge of the underground water table would be allowed and there would be a smaller amount of stormwater runoff. This is considered to be a beneficial impact.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

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No Impact: See Comment in VIII.d

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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f) Otherwise substantially degrade water quality?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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See Comment in VII. c.

Less Than Significant Impact: The runoff from the site will be treated with underground vaults incorporating continuous deflective separation technology or other liquids/solids/oils separation technology to remove sediments and oil from site runoff. In addition, part of the runoff will be treated by grassy swales or bioretention facilities. The project is not expected to result in potentially significant impacts with incorporation of these stormwater treatment facilities.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The project area, as shown in the Drainage and Flood Hazard Map in Appendix L of the City of Hayward General Plan, would not be subject to flooding in a 100 year storm event. No impact is anticipated.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: See Comment in VIII. g.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See Comment in VIII.g.

No Impact: Since construction is not within the 100 year flood hazard area, the project will not result in exposure of people or property to hazards such as flooding.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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j) Inundation by seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The potential for inundation by seiche, tsunami, or mudflow is low. No dams or open reservoirs are sited within the City limits and the site is not in an area subject to tsunami. No impact is anticipated.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Sources:

Hayward Cannery Area Design Plan & EIR

Hayward General Plan EIR

Project Description and Plans

Hayward Cannery C3 Stormwater Plan, Zentner & Zentner, 2005.

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The proposed project would not physically divide an established community because the project is designated in the General Plan for residential development. Further, the site has been the subject of a detailed land use analysis in the Hayward Cannery Area Design Plan (Section 4.8). Contrary to the existing warehouse/industrial uses in the site, the residential uses proposed would blend with the existing surrounding residential development. Therefore, no impact would occur on the physical arrangement of an existing community.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The proposed project is consistent with the Hayward General Plan/Cannery Area Design Plan land use designations with approval of the project's zone change to Planned Development. The type and density of the residential development is consistent with the proposed designations for the site as shown in the General Plan. The impact is less than significant.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No Impact: The project site is not located within the area designated by the General Plan as a Habitat Conservation Plan or natural community conservation plan. No impact would occur.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Sources:

Hayward General Plan & EIR

Hayward Cannery Area Design Plan EIR

Project Description and Plans

X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: The state requires local jurisdictions to protect areas with economically significant mineral resources from incompatible development. In an effort to maintain availability of sand, gravel and crushed rock for long-term construction needs, the California Division of Mines and Geology (under the authority of the Surface Mining and Reclamation Act of 1975) has classified aggregate mineral zones throughout the state. The only designated "sector" of regional significance in Hayward meeting the tests of economic feasibility and current compatible land use that is to be protected from land uses incompatible with mineral extraction is La Vista Quarry, located in the unincorporated area east of Mission Boulevard and Tennyson Road (Hayward General Plan, 2002). Therefore, no impacts to mineral resources would occur as a result of the proposed project.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No Impact: See Comment in X. a.

Sources:

Hayward Cannery Area Design Plan EIR

Hayward General Plan & EIR

Project Description and Plans

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XI. NOISE - Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Felson Site:

Less Than Significant Impact:

The project will not expose persons to or generate noise levels in excess of standards established in the Hayward General Plan or noise ordinance, or applicable standards of other agencies.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

With regard to the project being built in a location with existing ambient levels of noise in excess of standards established in the Hayward General Plan or noise ordinance, or applicable standards of other agencies, a site specific noise study was performed by Illingworth & Rodkin, Inc. in June, 2005. The report documents noise levels at the nearest proposed residential setback, about 65 feet from the nearest track. The typical maximum noise levels at this location range from about 85 to 95 dBA during train passages. At the next nearest buildings (44, 42, and 39), about 100-125 feet from the nearest track, the average noise level is 68-69 L_{dn} and typical maximum noise levels are calculated to range from about 80-90 dBA during train passages. These noise levels are in excess of the exterior noise standards of the Hayward General Plan (60 L_{dn} for multi-family units).

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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-Noise levels in any planned usable outdoor activity areas along Winton Avenue would exceed City guidelines for exterior noise.

Citation Site:

Less Than Significant Impact:

The project will not expose persons to or generate noise levels in excess of standards established in the Hayward General Plan or noise ordinance, or applicable standards of other agencies.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

With regard to the project being built in a location with existing ambient levels of noise in excess of standards established in the Hayward General Plan or noise ordinance, or applicable standards of other agencies, the site plan includes a circulation network with a street (MLK Way) buffering the project, adding additional distance between the developed portions of the site and the railroad tracks. A noise survey was conducted in June 2005 to measure railroad train noise levels at the project site. Typical maximum noise levels resulting from trains at the measurement location ranged from about 85 to 95 dBA. At the nearest residential building setback, about 110 feet from the nearest track, the average noise levels are calculated to be 69 L_{dn} and typical maximum noise levels are calculated to range from about 80 to 90 dBA during train passages. These noise levels are in excess of the exterior noise standards of the Hayward General Plan (60 L_{dn} for multi-family units) and are a potentially significant impact.

The following measures will form the basis of conditions of approval that the project applicant will be required to meet.

Felson Site:

-Rooms oriented towards the railroad in Building 46, proposed 65 feet from the railroad tracks, shall achieve 45 dBA of noise reduction in bedrooms and 40 dBA in other rooms.

-Windows and doors with STC ratings of 40-45 STC are normally required.

-At a setback of 100-125 feet from the railroad tracks (Buildings 44, 42, and 39), units which are oriented towards and parallel to the railroad tracks will achieve 40 dBA of noise reduction in the bedrooms and 35 dBA in other rooms. Normally windows and sliding glass doors with sound transmission class (STC) ratings of at least STC 35-40 are necessary. Compliance with these A-weighted noise reduction requirements would result in maximum instantaneous noise levels consistent with City standards and L_{dn} noise levels consistent with City (45 L_{dn} for residential uses) and State standards (45 L_{dn} for residential uses). The facades of the next buildings moving away from the railroad tracks with line-of-sight to the tracks would require 5 dBA less noise reduction.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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-All buildings on the project shall be provided forced air mechanical ventilation, considered satisfactory to the local building official, so that windows may be closed at the discretion of the occupants to control noise intrusion.

-Noise levels in any planned usable outdoor activity areas along Winton Avenue would exceed City guidelines. Noise mitigation could be accomplished in a number of ways. The site plan utilizes buildings effectively to create shielded outdoor activity areas. Noise barriers would also be effective in the eastern corner of the site before the roadway elevates to cross the railroad tracks. The elevated roadway sections cannot be shielded by roadside noise barriers. Shielding must, therefore, occur at the receiver. Careful site planning to orient private outdoor activity areas away from the roadway is an effective means to attenuate traffic noise. It is probably not reasonable or feasible to achieve noise control on upper-story small private outdoor decks that may be oriented towards the roadway. The site plan includes community outdoor spaces which are shielded from the traffic noise by the buildings themselves and private balconies and patios facing into the courtyards. Noise levels in these shielded areas would meet the 60 Ldn threshold. Noise from Winton Avenue has been considered in the design and these site planning techniques should be retained as the plan continues to develop. A wall is planned along Winton Avenue and returning along the railroad tracks. To be effective as a soundwall it is recommended that the wall be at least 8 feet high as measured above the surrounding ground. The wall must be constructed solidly and free of cracks or gaps. Approximately 30 dBA of noise reduction is necessary to achieve the 45 Ldn interior noise goal along Winton Avenue with an adequate margin of safety. Normally windows and doors with an STC rating of 30 to 35 STC are necessary.

-The project plans shall be reviewed during detailed design to determine the specific STC ratings necessary to obtain the prescribed overall A-weighted loss reduction values.

Conditions of Approval:

The applicant shall prepare and submit a report to the Building Inspection Dept. of the Community & Economic Development Division of the City of Hayward prior to the issuance of a building permit. The report shall stipulate noise control treatments that have been included in the design to demonstrate compliance with the State Building Code and local noise standards.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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The following measures will form the basis of conditions of approval that the project applicant will be required to meet.

Citation Site:

-Units shown on the site plan dated May 24, 2005 in Buildings 4, 12, 15, 19, and 36, which are oriented towards and parallel to the railroad tracks, shall achieve 40 dBA of noise reduction in bedrooms and 35 dBA of noise reduction in other rooms. Compliance with these A-weighted reduction requirements would result in maximum instantaneous noise levels consistent with City standards and L_{dn} noise levels consistent with City and State standards.

-End units in Buildings 22, 23, 25, 26, 28, 29, 31, and 3, which are oriented perpendicular to the railroad, shall also achieve these A-weighted noise reduction requirements.

-Each subsequent units moving away from the railroad tracks in Buildings 22, 23, 25, 26, 28, 29, and 31 would require 5 dBA less noise reduction (i.e., 35, 30, 25) until the fourth unit is reached, where standard residential construction would be satisfactory.

-All buildings on the project shall be provided forced air mechanical ventilation, considered satisfactory to the local building official, so that windows may be closed at the discretion of the occupants to control noise intrusion.

-The project plan shall be reviewed during detailed design to determine the specific sound transmission class (STC) ratings necessary to obtain the prescribed overall A-weighted noise reduction values. A report shall be prepared and submitted to the local building official, prior to issuance of a building permit, which stipulates the noise control treatments that have been included in the design to demonstrate compliance with the State Building Code and local noise standards.

-Because the project sound levels result primarily from railroad train movements and the day/night average noise levels are dominated by railroad train movements in the middle of the night, the exterior noise environment is compatible with the proposed residential development without additional mitigation.

Conditions of Approval:

The applicant shall prepare and submit a report to the Building Inspection Dept. of the Community & Economic Development Division of the City of Hayward, prior to the issuance of a building permit. The report shall stipulate noise control treatments that have been included in the design to demonstrate compliance with the State Building Code and local noise standards.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Felson Site:

Less than Significant Impact:

The project will not expose persons to or generate excessive groundborne vibration or groundborne noise.

With regard to project residents being exposed to existing ambient groundborne vibration or noise, the nearest residential building (#46) is proposed to be located about 60 feet from the railroad tracks and building #44 about 100 feet from the railroad tracks. No other residential building structures are currently proposed within 100 feet of the tracks. Ground vibration levels were monitored at a location 60 feet from the railroad tracks in March, 2005. Ground-borne vibration levels were below the recommended FTA guideline for infrequent events of 80 VdB. In conclusion, vibration levels would be acceptable at the site, although train vibration levels would be expected to be occasionally perceptible to residents of the nearest buildings. A detailed vibration analysis for the site is thus not required.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Citation Site:

Less than Significant Impact:

The project will not expose persons to or generate excessive groundborne vibration or groundborne noise. With regard to project residents being exposed to existing ambient groundborne noise or vibration, no residential building structures are proposed within 100 feet of the railroad tracks. A detailed vibration analysis for this site is not required. This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Felson & Citation Sites:

Less Than Significant Impact:

The project will not cause a substantial permanent increase in ambient noise levels in the project vicinity.

See Comment under XI.a.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Felson & Citation Sites:

Potentially Significant Unless Mitigation Incorporated:

Construction of the project and deconstruction of existing buildings may subject surrounding residents to temporary noise elevations and ground vibration. The nearest noise sensitive receivers are residents of multi-family housing located across the railroad right-of-way from the site along Winton Ave. Maximum noise levels (dB at 50 feet) for typical construction equipment ranges from 85 dB for a backhoe and pneumatic tools to 87 dB from bulldozers, and 88 dB for heavy trucks. An accurate prediction of noise levels that would occur near a construction site is difficult because the noise generation depends on the number, type and amount of time that each piece of construction equipment is operating. Although this impact is temporary, it is considered a potentially significant impact requiring mitigation.

This impact was addressed in the HCADP EIR and this further construction noise mitigation will avoid or reduce the impact.

Felson & Citation Sites:

Mitigation Measures:

- Limit construction to the hours of 7:00 AM to 6:00 PM on weekdays with no noise-generating construction on Saturdays, Sundays or holidays. All work outside these hours, including work on weekends, should require a special permit from the City of Hayward based on compelling reasons and compatibility with nearby residences.
- Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.
- Utilize quiet models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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-Prohibit unnecessary idling of internal combustion engines.

-Designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.

-The Applicant shall submit a Construction Noise Management Plan that identifies measures to be taken to minimize construction noise on surrounding developed properties.

Implementation of the above mitigation measures will reduce construction noise impacts to a less than significant level.

Monitoring:

The Applicant shall submit a comprehensive Construction Noise Management Plan to the City of Hayward Planning, Building Inspection, and Engineering & Transportation Divisions prior to issuance of deconstruction permits or grading permits.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

☐ ☐ ☐ ☒

No Impact: According to the 2002 Hayward Executive Airport EA/EIR, the project site would fall outside the 60 CNEL noise contours of the airport runway and facilities.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

☐ ☐ ☐ ☒

No Impact: People residing or working on the project site once completed would fall outside the 60 CNEL exterior noise contours of the Hayward Executive Airport.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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Sources:

Hayward Cannery Area Design Plan EIR

Project Description and Plans

Environmental Noise Study, Illingworth & Rodkin, Inc., June, 2005

Ground Vibration Monitoring Survey Conducted for the Select Foods Site, Illingworth & Rodkin, Inc., 2005

Cannery Commons Tract 7625, Hayward, CA-Environmental Noise Study, Illingworth & Rodkin, Inc., 2005

City of Hayward General Plan and EIR, 2002

City of Hayward Executive Airport Master Plan EA/EIR

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Less Than Significant Impact: While the project would involve the construction of 628 residential units and an estimated 1884 residents based on an average household size of 3.0 persons per dwelling unit in Hayward and thus induce substantial population growth in an area, the project would be consistent with regional housing and population projections used for planning infrastructure needs. Approval of the project would also enable the City to increase the number of affordable housing units in the City. The impact would be less than significant.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	-------------------------------------

No Impact:

The four houses that would be deconstructed by the proposed Felson project. (See Figure 4) are either owned by the City of Hayward or the Felson Companies. No impact would occur.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See Comment to XII. b.

Sources:

Hayward Cannery Area Design Plan EIR

Project Description and Plans

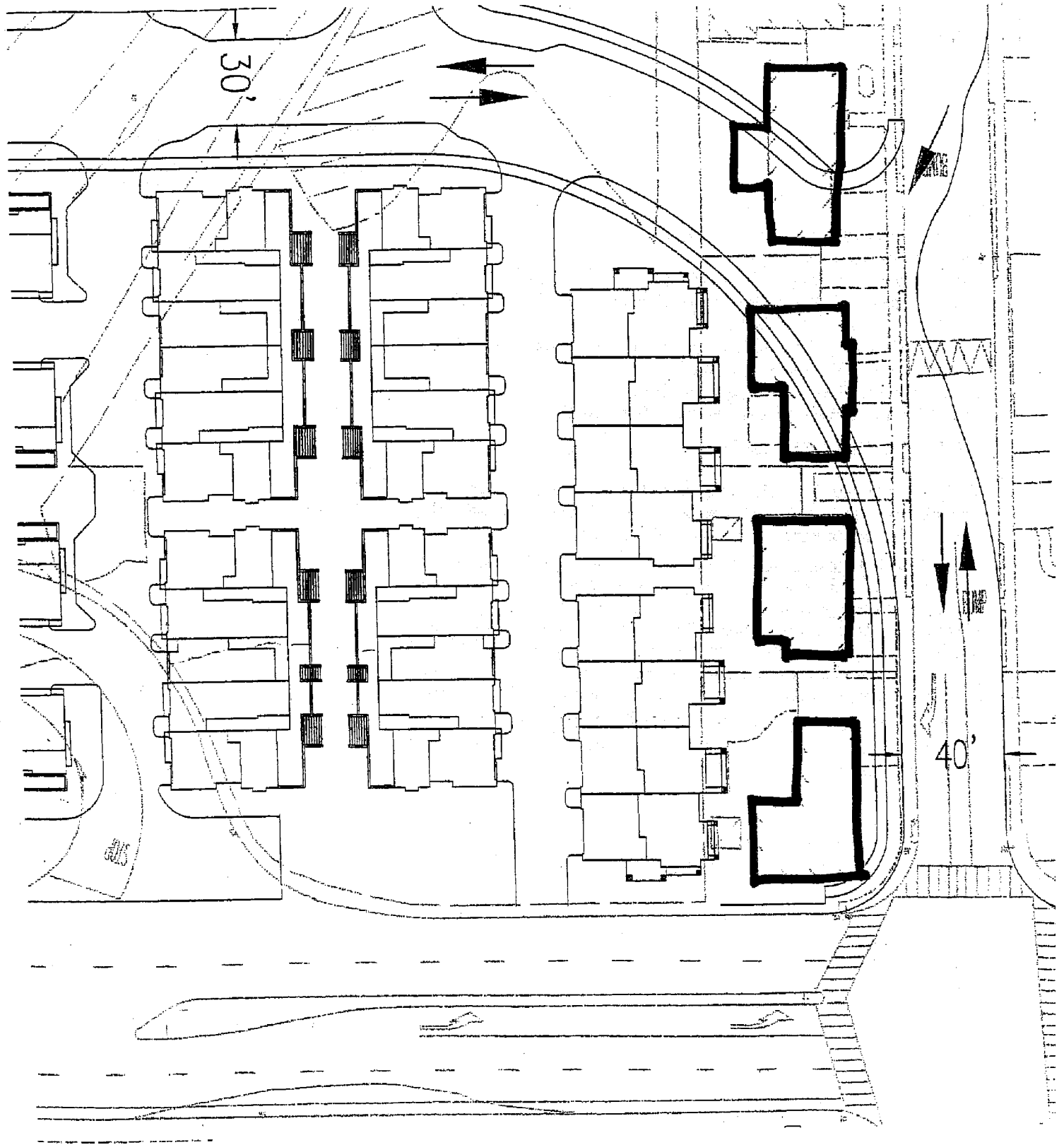


Figure 4 Displacement of Houses
Source: Felson Companies

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Less Than Significant Impact: The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, maintenance of public facilities, including roads, and in other government services.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Less Than Significant Impact:

See Comment in XIII.a.

Schools?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Unless Mitigation Incorporated: The proposed project would generate the need for 123 elementary school students, 51 middle school students, and 47 high school students at project buildout according to the yields described in Section 4.13 of the HCADP EIR (grades K-6= .40 SF, .19 MF; grades 7-8= .09 SF, .08 MF, grades 9-12= .21 SF, .07 MF). The HCADP calls for the expansion of the Burbank School site and construction of a new elementary school to accommodate the projected enrollment. According to the Hayward Unified School District, this number of additional students would result in an incremental but potentially significant impact to local public schools within the service area of the proposed project.

This impact was addressed in the HCADP EIR and this further mitigation will avoid or reduce the impact.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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Mitigation Measures:

The Applicant shall agree to pay school mitigation fees to the City in effect at the time building permits are granted or provide other mitigation as found acceptable by the school district.

Implementation of this mitigation measure will reduce impacts to schools to a less than significant level.

Monitoring:

The Applicant, City Building Inspection Division and the Hayward Unified School District shall share responsibility for the above mitigation measure prior to issuance of building permits.

Parks?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Unless Mitigation Incorporated: It is anticipated that there would be increased use of the modernized 14.6 acre Cannery Park/Burbank School complex to the north of the project as well as the existing 7.24 acre Centennial Park (see Figure 5). The former has baseball fields, soccer fields, play areas, bar-b-que areas, restrooms and a parking lot while the latter contains lighted ball fields, a soccer field, play area, a concession stand, picnic areas, restrooms and a parking area. Cannery Park would be expanded and Centennial Park access improved as part of the Hayward Cannery Area Design Plan. Actual project improvements total 8.2 acres, consisting of 3 acres of group open space in both plans (including the 0.7 acre Myrtle Street green) as well as the Panhandle north and south at 2.9 acres, and the 2.28 acre Water Tower Square. The project would generate the need for 9.42 acres of park facilities based on the standard parkland dedication of 5 acres per 1000 population. Given the planned park facilities that are part of the project (8.2 acres), the project falls short of the required open space facilities.

This impact was addressed in the HCADP EIR and this further mitigation will avoid or reduce the impact.

Mitigation Measures:

Applicants shall pay required park in-lieu fees or contribute in other ways, as deemed acceptable by HARD and the City, to the dedication and construction of landscaping improvements.

Implementation of these mitigation measures will reduce impacts to parks to a less than significant level.

Monitoring:

The applicants, City of Hayward Planning Division, and HARD shall share responsibility for this mitigation measure prior to issuance of Certificate of Occupancy.

NOTE: Centennial Park Housing and Access Street. This aspect of the Design Plan appears for planning purposes only. The Hayward Area Recreation and Park District has indicated that, absent community support, this will not be implemented.

Figure 5 Centennial Park
Source: City of Hayward

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>No Impact:</u> See Comment in XIII. a.				

XIV. RECREATION --

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------

Potentially Significant Unless Mitigation Incorporated: Unless Water Tower Square and the Panhandle are improved with residential-oriented open space facilities, there would be an over reliance on Cannery Park to serve the needs of the residents. Substantial physical deterioration of this facility could occur from the project.

This impact was addressed in the HCADP EIR and this further mitigation will avoid or reduce the impact.

Mitigation Measures:

See Mitigation Measure for XIII a. Parks.

Implementation of these mitigation measures will reduce impacts to parks to a less than-significant level.

Monitoring:

See Monitoring for XIII a. Parks.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See Comment in XIV a.

No Impact: The proposed new park facilities that are part of the project and the pedestrian oriented plan would have a beneficial effect on the environment. No impacts are anticipated.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Sources:

Hayward Cannery Area Design Plan EIR
Project Description and Plans

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

☐ ☐ ☒ ☐

Less Than Significant Impact: Approval and implementation of the proposed project would increase the total number of vehicular trips within the project area by 3756 trips. After discounting the existing 3348 average daily truck trips, there would be a net increase of 408 average daily trips (based on ITE trip generation rates for the project from ITE Trip Generation Manual, 6th Edition. This number of trips is consistent with the HCADP EIR. That EIR concluded in Table 10. Project Trip Generation Summary on page 125 that the number of peak hour trips at major project intersections (586) would not cause any of the study intersections in the area to experience a level of service (LOS) that is less than the City's standard LOS "D", and would therefore be less than significant. Accordingly, the fewer peak hour trips from the current project (approximately 40) would have less of an impact and would also be less than significant.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

☐ ☐ ☒ ☐

Less Than Significant Impact: See response to XV. a. above. Note, although net trip generation by the project exceeds 100 trips in the PM peak hour, Congestion Management Agency(CMA) review of the project is not necessary because the CMA has reviewed the HACDP EIR and approved it.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

☐ ☐ ☐ ☒

No Impact: According to the Hayward Executive Airport Master Plan and EIR, the project is outside of all of the airport's safety zones. Furthermore, the project does not propose any structures which would interfere with air traffic patterns. Therefore, no impacts to air traffic patterns would occur.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>No Impact:</u> The project's proposed five access points are designed to City street standards. Further, truck access and emergency vehicle access has been reviewed and found to meet City standards. This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.				
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>No Impact:</u> See Comment in XV.d. This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.				
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>No Impact.</u> The City of Hayward Parking Ordinance requires parking spaces according to the following breakdown: -1 covered spaces per unit -1.10 open per dwelling unit The proposed project includes 1260 spaces in two car garages, 33 off street visitor spaces and 325 on street parking spaces. Therefore, the proposed project meets the City's code requirement for parking for multi-family units and the small number of single-family units (18). This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.				
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Less Than Significant Impact:</u> The project does not conflict with adopted policies, plans or programs supporting alternative transportation. The project closely follows the pedestrian-oriented Hayward Cannery Area Design Plan and is in close proximity to BART, AC Transit, and AMTRAK which increases the opportunities for residents of the area to utilize public transportation and reduce vehicle trips. Bus stops may be provided for in the project plan in coordination with AC Transit staff. Bicycle racks will be provided at the live/work complex, along the Panhandle, and at Water Tower Park and the small neighborhood park in the southwest part of the Felson site. This impact is considered less than significant. This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.				

Sources:

Hayward Cannery Area Design Plan EIR
Project Description and Plans
Technical Memorandum, Dowling Associates, June, 2005.
Technical Memorandum, Dowling Associates, May, 2005.
City of Hayward Public Works Dept., Engineering & Transportation
Division
Institute of Traffic Engineers, Trip Generation Manual

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

☐☐☒☐

Less Than Significant Impact:

Sewage is collected and transported via a number of major trunk sewers to the City's wastewater treatment plant, which provides for the treatment of combined domestic and industrial wastewater, is located at the terminus of Enterprise Drive in western Hayward. The plant currently treats an estimated 13 to 14 mgd and has a rated capacity of 16.5 mgd. The plant has adequate capacity to treat sewage flows from the project. Therefore, the project would not exceed wastewater treatment requirements and this impact is considered less than significant.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐☐☒☐

Less than Significant Impact. Expansion of existing wastewater mains would be required as a result of the project. Upstream of the project, along West A Street, Select Foods will do that portion of sewer pipe enlargement over the railroad tracks plus that portion of MLK Way down to a dogleg extension that serves the project. The project developers will pay for the dogleg extension as well as reimburse Select Foods for their portion of their upstream improvements. While these wastewater improvements are necessary for the project, impacts of constructing these improvements are temporary and would be less than significant.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐ ☐ ☒ ☐

Less than Significant Impact. The project will connect to the existing Alameda County Flood Control and Water Conservation District facilities. The project will not result in a significant need for new systems or supplies, or substantial alterations to the existing storm water drainage. The project would result in a less than significant impact.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

☐ ☐ ☒ ☐

Less than Significant Impact. The water system in the City does not pose significant concerns in terms of accommodating additional development (Hayward General Plan, 2002). Impacts to water supply are considered less than significant.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

☐ ☐ ☒ ☐

Less than Significant Impact. The project would be served by the City of Hayward Utilities Division. The City of Hayward sewage system would serve the project. The wastewater treatment facilities would not need to be expanded causing a significant environmental impact.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

☐ ☐ ☐ ☒

No Impact. The project would generate solid waste and would contribute incrementally to the loss of landfill capacity in the County. Solid waste from the project would be disposed of at the Altamont Landfill. The Altamont Landfill has sufficient disposal capacity to handle current and estimated waste stream until at least the year 2024 for land uses associated with the General Plan. The project would comply with federal, state, and local statutes and regulations related to solid waste. Accordingly, solid waste impacts are considered less than significant.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

☐☐☐☒

No Impact. See Comment in XVI.f.

Sources:

Hayward Cannery Area Design Plan EIR

Hayward General Plan Update EIR, 2001

City of Hayward Public Works Department

Project Description and Plans

XVII. MANDATORY FINDINGS OF SIGNIFICANCE -

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐☐☐☒

The proposed project would not degrade the quality of the environment, result in an adverse impact on fish, wildlife, or plant species including special status species, or prehistoric cultural resources because project components would be constructed on areas that are not identified as sensitive.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance.

Prehistoric resources would not be adversely affected because no archeological resources are known to exist on the project site or in the area. The one historic resource, the structure at 24072 Myrtle Street, would be protected by appropriate mitigation measures. Further, project implementation includes compliance with appropriate procedures for avoiding or preserving artifacts or human remains if they are discovered during project excavation.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?



The project is consistent with the City's General Plan. In Section 4.11 of the HCADP EIR cumulative traffic impacts are discussed. As stated on page 127 of the HCADP EIR, "the preliminary model results for 2005 and 2020 indicate a small incremental overall traffic increase in the study area." This includes the impacts of the project and cumulative projects on area intersections. A summary of expected cumulative impacts as discussed in Section 6.5 of the HCADP EIR follows:

- *Aesthetics and Light and Glare: Limited cumulative impacts on aesthetic resources would occur, including incremental increases in light and glare. However, since the site is located in a substantially urbanized area with existing sources of light and glare, cumulative impacts are considered less than significant.*
- *Air Quality: Cumulative air quality impacts are addressed in Section 4.2.*
- *Biological Resources: Impacts of the project on biological impacts are limited and would not be considered cumulative.*
- *Cultural Resources: Potential impacts to cultural resources are not considered cumulative.*
- *Hazards: Potential impacts to hazards are not considered cumulative.*
- *Noise: Cumulative noise impacts are anticipated to be less-than-significant, since existing noise levels on the site caused by vehicles (including trucks) associated with industrial and warehouse uses would be expected to diminish. New sources of long-term noise would be the same or less than currently generated, although a greater number of on-site noise receptors would be added to the project area.*
- *Population and Housing: Cumulative impacts to population, employment and housing are addressed in Section 4.10.*
- *Transportation, Parking and Circulation: Cumulative impacts to population, employment and housing are addressed in Section 4.11. As stated previously, only a small incremental increase in traffic is expected with the project, including cumulative projects.*
- *Utilities and Public Services: There would be less-than-significant cumulative impacts to utility and service providers, since existing uses are presently served with water, sewer, police, fire and solid waste services. Greater cumulative impacts could be anticipated with regard to educational facilities, since existing non-residential uses do not generate school aged children. Mitigation measures have been included in this EIR to reduce cumulative educational impacts to a less-than-significant level.*

- *Recreation: Cumulative impacts to recreation facilities would not result should the proposed project be approved since the proposed Myrtle Street Green, Water Tower Park, and the Panhandle as well as the mitigation measure for XIII a. Parks would fulfill the requirement for park facilities for the project.*

These impacts were adequately addressed in the HCADP EIR and are not susceptible to further mitigation or avoidance

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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☐
☐
☒

The proposed project may temporarily impact the area by construction-related air quality, noise, and traffic impacts. Geotechnical and hazardous materials impacts would be mitigated to a less than significant level by the mitigation measures indicated. The proposed project would not have any direct or indirect adverse impacts on humans because construction effects would be temporary and have been reduced or eliminated by environmental control measures incorporated into the project design. Therefore, the proposed project would not have any direct or indirect adverse impacts on humans.

This impact was adequately addressed in the HCADP EIR and is not susceptible to further mitigation or avoidance

The following project materials are on file in the City of Hayward Planning Division:

- Appendix A Development Applications
- Appendix B Geotechnical Engineering Investigation Report- Felson
- Appendix C Geotechnical Investigation, Terrasearch, Inc.-Citation
- Appendix D Phase I Environmental Site Assessment- Felson
- Appendix E Phase I Environmental Site Assessment-Citation
- Appendix F Phase II Environmental Site Assessment-Citation
- Appendix G Environmental Noise Study- Felson
- Appendix H Environmental Noise Study- Citation

Table 1

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FELSON AND CITATION CANNERY PROJECTS

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/ REPORTING RESPONSIBILITY	TIMING
<p><u>Air Quality</u> Impact III a. and b.: Air Quality Construction Impacts. <i>Approval of the project will result in short term air quality impacts related to grading and construction and on-going air quality impacts related to increased auto-trips and congestion. The short term impacts will include dust generated by clearing and grading activities, exhaust emissions from gas- and diesel powered construction equipment, and vehicular emissions associated with the commuting of construction workers, and it is likely that the State's particulate standard may be temporarily exceeded in surrounding areas. However, these impacts would be similar to impacts generated by similar development projects in the City.</i></p>	<p>Mitigation Measure III a. and b.: <i>To mitigate the identified air quality impacts, the following measures should be incorporated into the construction contract documents of both projects:</i></p> <ol style="list-style-type: none"> <i>1. Water all active construction areas at least twice daily.</i> <i>2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer).</i> <i>3. Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas.</i> <i>4. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas.</i> 	<p><i>Project applicants</i></p>	<p><i>City of Hayward Public Works Department</i></p>	<p><i>Prior to issuance of any construction or grading permits. Construction inspectors will ensure compliance as part of their project review.</i></p>

Table 1

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FELSON AND CITATION CANNERY PROJECTS

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/ REPORTING RESPONSIBILITY	TIMING
	<ol style="list-style-type: none"> 5. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Coordinate streets to be swept with the City Engineer. 6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). 7. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.) 8. Limit traffic speeds on unpaved roads to 15 mph. 9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways. 10. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. 			

Table 1

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FELSON AND CITATION
CANNERY PROJECTS**

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPEMENTING RESPONSIBILITY	MONITORING/ REPORTING RESPONSIBILITY	TIMING
	<p>11. <i>Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas if conditions warrant.</i></p> <p>12. <i>Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</i></p> <p>13. <i>Limit the area subject to excavation, grading and other construction activity at any one time.</i></p> <p>14. <i>Post a publicly visible sign with the telephone number and person to contact regarding dust complaints at the construction sites. This person shall respond and take corrective action within 24 hours. The telephone number of the AQMD shall also be visible to ensure compliance with BAAQMD Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.</i></p>			

Table 1				
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FELSON AND CITATION CANNERY PROJECTS				
ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/ REPORTING RESPONSIBILITY	TIMING
Cultural Resources Impact V a.: <i>The HCADP EIR (Section 4.4) identified an historic resource within the project area. Relocation of Myrtle Street may impact the historic house located at 24072 Myrtle Street.</i>	Mitigation Measure V a.: <i>Plans for the realignment of Myrtle Street near 24072 Myrtle shall be reviewed by a qualified architectural historian to ensure that less-than-significant impacts would occur to this historic property.</i>	<i>The City of Hayward Engineering & Transportation Division and the applicant</i>	<i>The City of Hayward Engineering & Transportation Division</i>	<i>Prior to completion of Precise Plan</i>
Impact V b.: <i>No prehistoric or archeologically significant resources have been identified within the project area. If previously unknown resources are encountered during grading or utility placement activities, this could result in a potentially significant impact. The project will adopt standard mitigation measures in connection with potential archaeological resources.</i>	Mitigation Measure V b.: <i>Any cultural remains exposed or discovered during the course of project work will be treated as an inadvertent discovery and procedures specified at 36 CFR §800.13 will be followed. Any Native American Graves Protection and Repatriation Act related discoveries made during the course of construction will be handled with reference to a "Resource Protection Plan" conforming to CEQA Appendix K prepared by a qualified archeologist and approved by the Hayward Community and Economic Development Director.</i>	<i>Project applicants</i>	<i>Project applicants and the City of Hayward Building Inspection Division</i>	<i>During grading and construction of the project</i>

Table 1				
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FELSON AND CITATION CANNERY PROJECTS				
ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPEMENTING RESPONSIBILITY	MONITORING/ REPORTING RESPONSIBILITY	TIMING
Geology & Soils Impact VI a. ii: <i>According to the HCADP Draft EIR, during a major earthquake on a segment of one of the nearby faults, moderate to strong ground shaking can be expected to occur within the project area. Strong shaking during an earthquake could result in damage to buildings, roads, utility lines and other structures with associated risk to residents, employees and visitors in the area. The proposed project will be required to be built to the most recent Uniform Building Code regulations.</i>	Mitigation Measure VI a. II: <i>-The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.</i> <i>-New construction is required to comply with the Uniform Building Code (UBC) standards, portions of which are dedicated to minimizing seismic risk.</i> <i>-Mitigation measures outlined in the Geotechnical Engineering and Terraseach reports shall be followed.</i>	<i>Project applicants</i>	<i>Applicants and City of Hayward Building Inspection and Engineering & Transportation Divisions</i>	<i>Prior to approval of grading and building permits</i>
Impact VI a. iii: <i>Based on State of California quadrangle maps, the property is located within a potential liquefaction hazard area. Ground shaking can be expected at the site during a moderate to severe earthquake,</i>	Mitigation Measure VI a. iii: - <i>Increase the rigidity of the foundation/floor system of the planned buildings. Specifically, continous wall footings are recommended including two No. 5 rebars both top and bottom. The floor slab should also be reinforced using No. 3 reinforcing</i>	<i>Project applicants</i>	<i>Applicants and the City Building Inspection and Engineering & Transportation Divisions</i>	<i>Prior to issuance of building permits</i>

Table 1				
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FELSON AND CITATION CANNERY PROJECTS				
ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/ REPORTING RESPONSIBILITY	TIMING
<i>which is common to virtually all development in the general region. Seismic ground failure, including liquefaction and subsidence, is likely at this site</i>	<i>rebars in both directions with the slab securely connected to perimeter foundations using No. 5 rebars at 18 inch intervals. -Mitigation measures outlined in the Geotechnical Engineering and Terraseach reports shall be followed.</i>			
Impact VI c.: <i>See Comments and Mitigation Measures to VI. a. above.</i>	Mitigation Measure VI c.: <i>See Comments and Mitigation Measures to VI. a. above.</i>	<i>See Comments and Mitigation Measures to VI. a. above.</i>	<i>See Comments and Mitigation Measures to VI. a. above.</i>	<i>See Comments and Mitigation Measures to VI. a. above.</i>
Impact VI d.: <i>According to the Preliminary Soil Investigation, there is expansion potential of the soils at the site.</i>	Mitigation Measure VI d.: <i>The internal slabs-on-grade should be properly reinforced by No. 3 rebars 18 inches on center, running both ways, and underlain by a layer of granular base. The base materials should consist of clean, free draining crushed rock or drain rock. After the subgrade has been properly compacted under supervision, at least 6 inches of drain rock or properly compacted crushed rock should be placed beneath any slabs. The sand and gravel should be covered with Vapor Block 10 membrane or Moistop Under Slab to</i>	<i>Project applicants</i>	<i>Applicants and City of Hayward Building Inspection and Engineering & Transportation Divisions.</i>	<i>Prior to approval of a building permit.</i>

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	act as a vapor barrier in order to prevent condensation beneath interior slabs. The membrane should be covered, in turn, with at least 2 inches of sand for protection during construction.			
<u>Hazardous Materials</u> Impact VII a.: <i>AEI Consultants has completed a Phase I Environmental Site Assessment for the Felson project site in June, 2005. This report is included in Appendix D. Terrasearch, Inc. completed a Phase I and Phase II Environmental Site Assessment for the Citation project site in December, 2004. These reports are included in Appendices E and F respectively. The findings of both investigations reveal the following potentially significant environmental impacts.</i>	Mitigation Measures VII a.: <u>Felson Site:</u> <i>-Perform subsurface sampling to investigate whether the current and historic use of hazardous materials and/or petroleum products at 21 Cannery Court has impacted the subsurface of the property.</i> <i>-Pesticide sampling due to proposed residential development.</i> <i>-Evaluation and decommissioning of the current water production wells present at the property.</i> <i>-Performing appropriate testing and/or implementing mitigation measures for PCB-impacted soil for residential redevelopment, as necessary per the RWQCB.</i>	Project Applicants	City of Hayward Fire and Public Works Departments and the Regional Water Quality Control Board	Prior to construction

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<p><u>Felson Site:</u></p> <p>-Historic use of 21 Cannery Court as a truck maintenance and repair facility indicate it involved the use and disposal of hazardous materials. Materials observed within the repair shop and associated storage areas included drums of new and used motor oil; a five-gallon container of trichloroethane (TCA); one 55-gallon drum of C-Solv industrial degreaser; waste water filters; containers of oils, greases and lubricants; antifreeze; and parts washers. Significant staining was observed in all the storage areas of these materials, specifically new and used motor oil. The staining was located on concrete floors.</p> <p>-Memos on file at HFD report a release of 65 gallons of diesel fuel at 24 Cannery Court on August 31, 1998. The spill was</p>	<p>-Performing an asbestos survey that adheres to EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) sampling protocol as well as a lead-based paint survey, if necessary, prior to planned building demolition activities.</p> <p><u>Citation Site:</u></p> <p>-Perform a Phase II Environmental Site Assessment at the at the former UST/sump areas.</p> <p>-4 surficial soil samples should be collected from the property corners at approximately 0.5 feet to determine background metal concentrations.</p> <p>-Perform a soil-gas survey on the site and collect soil-gas from approximately 5-feet borings and analyze the vapor samples for VOCs. In addition, soil samples collected from the 0.5 and 1 foot soil borings on the southern part of the property should be analyzed for polychlorinated biphenyls PCBs</p>			

Table 1

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FELSON AND CITATION
CANNERY PROJECTS**

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPEMENTING RESPONSIBILITY	MONITORING/ REPORTING RESPONSIBILITY	TIMING
<p><i>remediated but a report confirming the remediation with soil samples is not available as of the date of this Negative Declaration.</i></p> <p><i>-The subject property has been used historically used for agricultural purposes. There is a potential that pesticides, herbicides and fertilizers were used on site.</i></p> <p><i>-Equipment that appeared to be associated with two water production wells at 24 Cannery Court was observed. Due to the presence of chlorinated volatile organic compounds (CVOCs) in the groundwater beneath the property, human exposure to groundwater could pose a potentially significant risk to health.</i></p> <p><i>-Due to the age of the subject property buildings, there is a potential that asbestos-</i></p>	<p><i>-Retain the services of state-certified lead based paint (LBP) and asbestos professionals to perform an LBP and asbestos survey on the existing buildings.</i></p> <p><i>-Verify that industrial supply wells W-1, W-2, W-4, and W-5 were properly destroyed in accordance with Dept. of Water Resources regulations.</i></p> <p><i>-During grading activities, if any basements, buried foundations, or reservoirs are encountered, then the Soil Engineer must be notified and the specific condition appropriately remedied in accordance with local, county, and state requirements.</i></p> <p><i>-If any pipe that might lead to an UST is located during grading, it should be reported to the Soil Engineer and Hayward Fire Department. If any polyvinylchloride (PVC), concrete or metal pipes are exposed during grading, they should be removed and the Soil Engineer notified.</i></p>			

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<p>containing materials (ACMs) and/or lead-based paint are present.</p> <p><u>Citation Site:</u></p> <p>-The closure letters from the RWQCB and Hayward Fire Dept for the underground storage tanks (USTs).and sump indicate that petroleum and/or chlorinated solvents present within these former UST/sump pit locations are below action levels while this was an industrial site. However, no water quality and health based clearance letter has been obtained from the designated state agency (RWQCB) for the entire property and additional environmental work beyond the Terrasearch recommendations is anticipated prior to obtaining formal clearance of the property.</p> <p>-Due to the age of the existing</p>	<p>-During grading if any USTs, contamination, buried debris, or other potential adverse environmental conditions are encountered, the Soil Engineer and Hayward Fire Department must be notified and the situation remedied in accordance with local, county, state, and RWQCB requirements.</p> <p>-Any excavation caused by the removal of trees, foundations, or any other object, should be left open for future geotechnical investigations and proper backfill, unless immediate backfill is necessary.</p> <p>-At least 10 additional borings should be advanced to groundwater inside the building to evaluate potential contamination sources and retained for possible laboratory analysis.</p> <p>-As requested by the RWQCB, a soil-gas survey should be conducted on the property to evaluate the potential emission of VOCs from the groundwater to the surface.</p>			

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<p><i>building on site and past activities associated with the site, unknown UST's and/or sumps containing hazardous materials/wastes may be present beneath the structure. Furthermore, an asbestos containing material/lead based paint hazard is likely within the structure and airily deposited lead ADL may be present within the surficial soil beneath the site.</i></p> <p><i>-A review of state and federal agencies and databases indicates that 2 unknown potential secondary contamination sites are located within a 0.25- mile radius of the site. One is the subject property and the other is Select Foods, and is located at a lower elevation than the subject property and therefore not a property of concern.</i></p>				

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<p>Impact VII b.:</p> <p><u>Felson & Citation Sites:</u></p> <p>-Deconstruction of existing buildings and utility facilities could release hazardous and potentially hazardous materials into the atmosphere including asbestos containing materials (ACMs) and lead-based paints (LBPs), potentially resulting in health hazards to construction employees and local visitors and residents This is a potentially significant impact.</p> <p>-Construction of the project would involve the use of heavy equipment which uses small amounts of oils and fuels and other potentially flammable substances. During construction, equipment would require refueling and minor maintenance on location which</p>	<p>Mitigation Measures VII b.:</p> <p><u>Felson & Citation Sites:</u></p> <p>-Prior to commencement of deconstruction activities within the project area, project applicants shall contact the Hayward Fire Department which requires a closure plan for removal of hazardous material from the site</p> <p>-For deconstruction of facilities appropriate approvals will be required, including approvals from the building division of the BAAQMD.</p> <p>-Soil and Water Management Plans (SWMPs) shall be prepared for individual site development within the project area. SWMPs shall be prepared by a state-certified environmental professional and shall include, at a minimum, a description of soils to be graded or disturbed as part of the project, detailed soil and water sampling to see if contaminants are present, procedures for removing contaminants (if found) and a list of</p>	Project applicants	City of Hayward Fire and Public Works Departments and the Regional Water Quality Control Board and BAAQMD	Prior to issuance of any deconstruction or grading permits.

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<p>could lead to fuel and oil spills. The Contractor will be required to identify a staging area for storing materials and equipment. The proposed project would not result in a significant risk of explosion or accidental release of hazardous substances. The use and handling of hazardous materials during construction activities would occur in accordance with applicable federal, state, and local laws including California Occupational Health and Safety Administration (CalOSHA) requirements.</p>	<p>agencies to be notified if contaminants are found. Closure letters and permits shall be obtained from appropriate agencies if site remediation is required.</p>			
<p>Impact VII c.:</p> <p><u>Felson & Citation Sites:</u></p> <p>Both the Winton Middle School on Winton Ave. close to the south end of the Felson project and the Burbank Elementary</p>	<p>Mitigation Measure VII. c:</p> <p><u>Felson & Citation Sites:</u></p> <p><u>Mitigation Measure:</u> Because the RWQCB and the BAAQMD are the agencies overseeing remediation of the Felson and Citation</p>	<p>Project applicants</p>	<p>City of Hayward Fire and Public Works Departments and the Regional Water Quality Control Board and BAAQMD</p>	<p>Prior to issuance of any deconstruction or grading permits.</p>

<p align="center">Table 1</p> <p align="center">MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FELSON AND CITATION CANNERY PROJECTS</p>				
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<p><i>School to the north of the Citation project are within one-quarter mile of the proposed project. The project could potentially pose a significant environmental impact to the school students, faculty and staff.</i></p>	<p><i>sites, public noticing for schools will occur if problems are anticipated to occur and remediation will be implemented.</i></p>			
<p><u>Hydrology & Water Quality</u> Impact VIII c.: <i>During construction, short-term increases of soil erosion could result as the project area is stripped of the limited natural vegetation and there is exposure to wind and water erosion. This is a potentially significant impact.</i></p>	<p>Mitigation Measure VIII c.: <i>The Applicant shall prepare an erosion and sedimentation control plan for implementation throughout project construction. The plan should be prepared in accordance with City of Hayward and RWQCB design standards.</i></p>	<p><i>Project applicants</i></p>	<p><i>City of Hayward Engineering & Transportation Division</i></p>	<p><i>Prior to issuing grading permits</i></p>
<p><u>Noise:</u> Impact XI d.: <i>Construction of the project and deconstruction of existing buildings may subject</i></p>	<p>Mitigation Measure XI d.: <i>-Limit construction to the hours of 7:00 AM to 6:00 PM on weekdays with no noise-generating construction on Saturdays, Sundays or holidays.</i></p>	<p><i>Project applicants shall submit a comprehensive Construction Noise Management Plan</i></p>	<p><i>City of Hayward Planning, Building Inspection, and Engineering &</i></p>	<p><i>Prior to issuance of deconstruction permits or grading</i></p>

Table 1

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FELSON AND CITATION CANNERY PROJECTS

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	TIMING
<p>surrounding residents to temporary noise elevations and ground vibration. The nearest noise sensitive receivers are residents of multi-family housing located across the railroad right-of-way from the site along Winton Ave. Maximum noise levels (dB at 50 feet) for typical construction equipment ranges from 85 dB for a backhoe and pneumatic tools to 87 dB from bulldozers, and 88 dB for heavy trucks. An accurate prediction of noise levels that would occur near a construction site is difficult because the noise generation depends on the number, type and amount of time that each piece of construction equipment is operating. Although this impact is temporary, it is considered a potentially significant impact requiring mitigation.</p>	<p>All work outside these hours, including work on weekends, should require a special permit from the City of Hayward based on compelling reasons and compatibility with nearby residences.</p> <p>-Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.</p> <p>-Utilize quiet models of air compressors and other stationary noise sources where technology exists.</p> <p>-Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.</p> <p>-Prohibit unnecessary idling of internal combustion engines.</p> <p>-Designate a noise disturbance coordinator who would be responsible</p>	<p>to the City of Hayward Planning, Building Inspection, and Engineering & Transportation Divisions</p>	<p>Transportation Divisions</p>	<p>permits.</p>

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	<p><i>for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.</i></p> <p><i>-The Applicant shall submit a Construction Noise Management Plan that identifies measures to be taken to minimize construction noise on surrounding developed properties.</i></p>			
<p>Public Services Impact XIII a. Schools: <i>The proposed project would generate the need for 123 elementary school students, 51 middle school students, and 47 high school students at project buildout according to the yields described in Section 4.13 of the HCADP EIR (grades K-6= .40</i></p>	<p>Mitigation Measure XIII a. Schools: <i>The Applicant shall agree to pay school mitigation fees to the City in effect at the time building permits are granted or provide other mitigation as found acceptable by the school district.</i></p>	<i>Project applicants</i>	<i>City Building Inspection Division and the Hayward Unified School District</i>	<i>Prior to issuance of building permits</i>

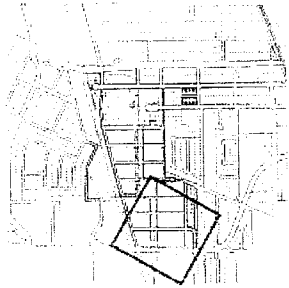
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<p><i>SF, .19 MF; grades 7-8= .09 SF, .08 MF, grades 9-12= .21 SF, .07 MF). The HCADP calls for the expansion of the Burbank School site and construction of a new elementary school to accommodate the projected enrollment. According to the Hayward Unified School District, this number of additional students would result in an incremental but potentially significant impact to local public schools within the service area of the proposed project.</i></p>				
<p>Impact XIII a. Parks: It is anticipated that there would be increased use of the modernized 14.6 acre Cannery Park/Burbank School complex to the north of the project as well as the existing 7.24 acre Centennial Park (see Figure 5). The former has baseball fields, soccer fields, play areas, bar-b-que areas, restrooms and a</p>	<p>Mitigation Measure XIII a. Parks: Applicants shall pay required park in-lieu fees or contribute in other ways, as deemed acceptable by HARD and the City, to the dedication and construction of landscaping improvements.</p>	<p><i>Project applicants</i></p>	<p><i>City of Hayward Planning Division, and HARD</i></p>	<p><i>Prior to issuance of Certificate of Occupancy.</i></p>

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<p><i>parking lot while the latter contains lighted ball fields, a soccer field, play area, a concession stand, picnic areas, restrooms and a parking area. Cannery Park would be expanded and Centennial Park access improved as part of the Hayward Cannery Area Design Plan. Actual project improvements total 8.2 acres, consisting of 3 acres of group open space in both plans (including the 0.7 acre Myrtle Street green) as well as the Panhandle north and south at 2.9 acres, and the 2.28 acre Water Tower Square. The project would generate the need for 9.42 acres of park facilities based on the standard parkland dedication of 5 acres per 1000 population. Given the planned park facilities that are part of the project (8.2 acres), the project falls short of the required open space facilities.</i></p>				

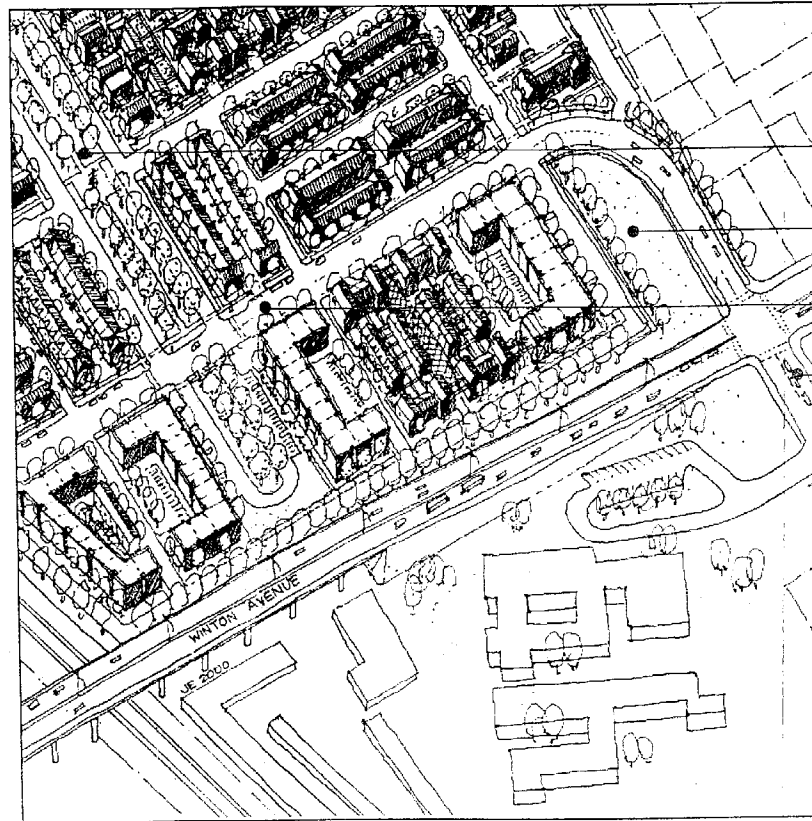
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<u>Recreation</u> <u>Impact XV:</u> <i>Unless Water Tower Square and the Panhandle are improved with residential-oriented open space facilities, there would be an over reliance on Cannery Park to serve the needs of the residents. Substantial physical deterioration of this facility could occur from the project.</i>	Mitigation Measure XV: <i>See Mitigation Measure for XIII a. Parks.</i>	<i>See Mitigation Measure for XIII a. Parks.</i>	<i>See Mitigation Measure for XIII a. Parks.</i>	<i>See Mitigation Measure for XIII a. Parks.</i>

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**

South End & Myrtle Street Green



Myrtle Street Green is created as the southern entry feature for the Cannery Neighborhood by the new alignment of Cannery Way connecting to Soto Road to the south. The southern properties of the Cannery District which are now isolated and potentially difficult to develop are connected to the rest of the neighborhood by the panhandle park extension extending south from Water Tower Square. In the illustrative drawing townhouses at 25 DU/acre are shown on the residential blocks.



Panhandle

Myrtle Street Green

Cannery Way

Soto Road

multipurpose space to meet the different needs. In reference to tandem parking, Chair Thnay mentioned that the close vicinity to public transportation will mitigate the inconvenience of tandem parking. He expressed support for the motion with reservations.

Commissioner Zermeno moved, seconded by Commissioner Bogue, and unanimously approved to recommend to City Council to adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and approve the Zone Change, Vesting Tentative Map, and Preliminary Development Plan for the Citation Project, subject to the findings and conditions of approval including deletion of Condition of Approval No. 11 c). Staff recommends that the Planning Commission find that the purchase of property for the new street between the Cannery Park/Burbank School Complex is consistent with the General Plan. Additionally, staff recommends that the Planning Commission find that the proposal to increase the number of tandem parking garages per the City of Hayward's Tandem Parking Ordinance is consistent with good planning practice.

- 4b. I. **Zone Change Application No. PL-2005-0167** – Request to Amend the Zoning District from “High-Density Residential” and “Open Space/Parks and Recreation” to “Planned Development” in Order to Construct 16 Single-Family Duet Homes, 333 Multi-Family Residential Units, and a 2975-Square-Foot Retail Commercial Structure; Request to Approve the Preliminary Development Plan for the Planned Development;
- II. **Vesting Tentative Map Tract Application No. PL-2005-0168 - (TTM 7613)** - Request to Subdivide a 27.2 Acre Site to Create 16 Single-Family Duet Homes, 333 Condominium Units, a 10,200-Square-Foot Retail Commercial Parcel, and Related Streets and Parks and Open Space Areas
- III. **Proposed Vacation of Cannery Court**
- IV. **Exception to Tandem Parking Requirements**
Felson Companies, Inc. (Applicant/Owner)

Staff report submitted by Acting Planning Manager Patenaude, dated November 17, 2005, was filed.

Commissioner McKillop recused herself from discussion on this item due to conflict of interest with Neumanalis Restaurant.

Acting Planning Manager Patenaude made the report.

Chair Thnay opened the public hearing at 10:19 p.m.

Mr. Joseph Felson, applicant, mentioned that after four to five years of working with the design plan, he is confident the plan is better product than what was originally intended. As a point of clarification for the duet units, he mentioned that they are non-attached units, but they are separate single family dwellings that share their front landscaping strips and a driveway to separate individual garages.

In response to Commissioner Zermeno's question regarding the retail center, Mr. Felson indicated that the retail center has potential for several different shops, but at the same time they do not want to detract shoppers from going downtown. He concurred with the staff recommendation in support of the retail facility.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, November 17, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

In reference to Commissioner Lavelle's inquiry, there was clarification of duets and duplexes, duplexes being multi-family units and duets single-family.

In response to Commissioner Peixoto's inquiry for the landscaping responsibility, Mr. Felson indicated that for duet homes the front yard landscaping would be under the supervision of the homeowners association and the backyard would be the individual home owner's responsibility.

Mr. Tony Silveira, 24084 Myrtle Street, expressed concern for the location of the proposed project and referenced the Burbank Neighborhood Plan of 1988, indicating that Meekland Street was supposed to connect with Cannery Court, and was not supposed to negatively impact Myrtle Street. He also mentioned that the lawyer's office next door to his home was considered historically significant to the City and Burbank Area and with this proposed plan, it will also be negatively impacted. He mentioned that the proposed project presents additional traffic and noise problems that if not addressed can significantly impact the safety of his home and neighbors in the area. He offered a plan to mitigate the problem with Soto Road at the corner, create private parking connecting his house to two of his neighbors including the lawyer's office on the street. He added that this would not be as aligned but thinks that it would work better for this project.

Commissioner Bogue asked staff if they had considered alignment alternatives such as was offered by Mr. Silveira. Development Review Specialist Gaber stated that no agreement has been made on the final design of the Felson Plan and as they proceed with the Precise Plan, they will look at other alternatives such as the one presented.

Chair Thnay closed the public hearing at 10:36 p.m.

Commissioner Lavelle made a motion to approve the project. Commissioner Zermeño seconded her motion.

Commissioner Bogue offered a friendly amendment for staff to consider potential alternatives to the alignment of Myrtle Street. He acknowledged Mr. Silveira's concern and expressed that it would be favorable to consider other alternatives.

Commissioners Lavelle and Zermeño concurred with the friendly amendment.

Commissioner Zermeño spoke favorably about the aspect of diversity with this project and he supported the motion.

Commissioner Sacks asked for clarification for the motion and concurred with the idea to consider alternatives that would best suit the project.

Regarding safety and the 70-foot separation between the two streets on either side of the panhandles, Chair Thnay suggested to staff to look at the separation between the panhandles and the

first street south of the side where the first intersections occur because he is concerned that they may be too close together. He supported the motion; however, he indicated that the panhandle needs to serve young children and seniors, and suggested an open area such as a playground. He urged them to come up with amenities unique for this project.

Commissioner Lavelle moved, seconded by Commissioner Zermeño, and approved with Commissioner McKillop recusing herself, to recommend to City Council to adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and approve the Zone Change, Vesting Tentative Map, and Preliminary Development Plan for the Felson Project, subject to the findings and conditions of approval including a friendly amendment to consider alternatives to the alignment of Myrtle Street. Staff recommends that the Planning Commission find that the proposed vacation of Cannery Court is categorically exempt from the California Environmental Quality Act (CEQA) guidelines and find that the vacation of Cannery Court is consistent with the General Plan. Additionally, staff recommends that the Planning Commission find that the proposal to increase the number of tandem parking garage per the City of Hayward's Tandem Parking Ordinance is consistent with good planning practice.

ADDITIONAL MATTERS

5. Oral Reports on Planning and Zoning Matters

Acting Planning Manager Patenaude announced that there are four items scheduled for the December 15 meeting. He also mentioned the Light up the Season scheduled for December 1 and the Holiday dinner for the Planning Commission scheduled for December 8.

6. Commissioners' Announcements, Referrals

Commissioner Sacks announced that on her trip to Michigan a couple of weeks ago she was able to appreciate an example of environmental buildings and the use of green guidelines. She commented that she would like to contribute from her experience when the opportunity to discuss green guidelines arises. She added the need for public art. Acting Planning Manager Patenaude announced a forum for public art during the first week in December.

Commissioner Zermeño showed support for the motion for public art and echoed Commissioner Lavelle's need for more diversity of businesses in downtown.

APPROVAL OF MINUTES

The minutes of November 3, 2005 were approved.

ADJOURNMENT

Chair Thnay adjourned the meeting at 10:48 p.m.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary



CITY OF HAYWARD AGENDA REPORT

Meeting Date: 11/17/05Agenda Item: 4b

TO: Planning Commission

FROM: Richard Patenaude, AICP, Principal Planner

SUBJECT:

- I. **Zone Change Application No. PL 2005-0167** - Request to Amend the Zoning District from "High Density Residential" and "Open Space/Parks & Recreation" to "Planned Development" in order to Construct 16 Single-Family Duet Homes, 333 Multi-Family Residential Units, and a 2975-Square-Foot Retail Commercial Structure; Request to Approve the Preliminary Development Plan for the Planned Development;
- II. **Vesting Tentative Map Tract Application No. (TTM 7613)** - Request to Subdivide a 27.2 Acre Site to Create 16 Single-Family Duet Homes, 333 Condominium Units, a 10,200 Square-Foot-Retail Commercial Parcel, and Related Streets and Parks and Open Space Areas.
- III. **Proposed Vacation of Cannery Court**
- IV. **Exception to Tandem Parking Requirements**

Felson Companies, Inc. - Applicant /Owner

The project site is bounded by the Union Pacific Railroad on the west, Winton Avenue on the south, Myrtle Street on the East, and Meek Avenue on the north. The Felson project, with 349 residential units and one commercial structure, is one of two residential developments being proposed for the Cannery area at this time. The other project, immediately adjacent to the Felson project, is proposed by Citation Homes and would include 279 residential units (see Attachment A).

RECOMMENDATION:

Staff recommends that the Planning Commission find that the proposed vacation of Cannery Court is categorically exempt from the California Environmental Quality Act (CEQA) guidelines and find that the vacation of Cannery Court is consistent with the General Plan.

Staff recommends that the Planning Commission find that the proposed exception to the City of Hayward's Tandem Parking Ordinance is consistent with good planning practice.

Staff recommends that the Planning Commission recommend that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and approve the Zone Change, Vesting Tentative Map, and the Preliminary Development Plan for the Felson project, subject to the findings and conditions of approval.

BACKGROUND:

In 2001, the City of Hayward certified the Final Program Environmental Impact Report (PEIR) for the Hayward Cannery Area General Plan Amendment and Cannery Area Design Plan for the Cannery site. The City adopted the "Cannery Area Design Plan" (Design Plan) and took other related actions to amend the City's General Plan, and to rezone older, industrial properties covered under the 120 acre Design Plan. The Mixed Industrial designation in Area 2 of the Design Plan (General Plan Amendment 01-110-03) was changed to a combination of High Density Residential, Medium Density Residential, Public/Quasi-Public, and Open Space/Parks and Recreation designations. The properties were rezoned to conform to the new General Policies Plan Map designations (Zone Change 01-190-04). The Zoning Ordinance text change established a Special Design (SD-4) District (01-140-01) to provide for an orderly transition from industrial uses to residential and commercial uses. The overlay district requires any new residential or commercial development to be processed pursuant to Planned Development District provisions consistent with the Design Plan.

The 73-acre Sub-Area 2 of the Design Plan area is bounded by A Street, Amador Street, Winton Avenue, and the Myrtle/Meek/Filbert alignment. See Attachment A, which delineates the Design Plan area. The applicant is closely following the Design Plan in the layout of residential units, the street grid and open space areas. The project is surrounded by an existing single-family development and major collector streets.

Felson Companies has purchased the site. Currently on the site is a 400,000 square foot building leased to three separate tenants. In turn, Felson Companies is under contract with Citation Homes for purchase of the Felson site and all entitlements. Existing onsite and some offsite infrastructure supporting the development of the properties will be replaced or upgraded. The existing industrial and warehouse facilities will be phased out including current lease agreements due to expire in June, 2007.

I. Zone Change Application

The applicant is requesting a zone change from "High Density Residential" and "Open Space/Recreation and Parks" to "Planned Development." While maintaining adherence to the principles and overall layout of the Design Plan, the applicant desires flexibility in the design of the project and for this reason is seeking Planned Development zoning.

The Felson plan is a distinct component of the community vision established by the Design Plan. A "pinwheel" design for the community with Water Tower Square at its center connected by generous pedestrian paths north, south, east, and west and overlaid on a grid of residential blocks forms the basis of the Design Plan. All of the streets in

the Felson plan are designed to public street standards and are consistent with the street specifications of the Design Plan which calls for streets that do not serve as a "conduit for through traffic" in a pedestrian oriented neighborhood. All of the streets and utilities will be constructed within the borders of their properties at the applicants' expense and will be owned and maintained by the City. Alleys and driveways providing access to the units, including driveways of the single-family homes, will be constructed by the applicants and owned by a homeowners' association.

Felson will install landscaping improvements in the public open space and "paseos" that fall within the blocks depicted on the site plan. As with the private driveways, the "paseo" areas will be privately owned by a homeowners' association (HOA). The HOA will also maintain the "paseos," pocket parks, the green strip along Winton Avenue, and the alleys and driveways, as well as the landscaped protrusion at the Myrtle Street entrance and the Street Four (formerly Meek Avenue) triangular landscape strip. Felson will also dedicate the major park areas to the City (Water Tower Square and the Panhandle median strips) and install landscaping improvements in exchange for credit against anticipated park fees. There would be a landscape and lighting assessment district (LLD) that would financially obligate the owners of the multi-family units to the care and maintenance of the Panhandle, Water Tower Square, the median on Street Four (formerly Meek Avenue), the Myrtle Street Green and all other associated open space areas. The owners of the duet single-family homes would maintain all open space and improvements within their parcel footprint with the exception of the driveways.

Various offsite domestic water and sanitary sewer improvements will also be completed at the applicant's expense in a cost sharing agreement, including: a new 12-inch domestic water line connecting the existing line in B Street to Winton Avenue; a new 12-inch domestic water line in Filbert Street between B and C Streets; the replacement of the existing 6 inch line in Myrtle Street; and the enlargement of the existing 21-inch sewer line in two sections of A Street with a 27-inch line.

The street system in the project follows the Design Plan requirements which are:

	Right-of-Way	Median	Travel Lanes	Parking	Sidewalk/Landscape Strip
Panhandle:	150'	70'	2 eleven foot travel lanes on each side	8' parallel on one side	4'/6'
MLK Way:	52'	NA	2 twelve foot travel lanes	8' parallel on one side	4'/6'
Typical Residential Street:	54'	NA	2 ten foot travel lanes	7' parallel on both sides	4'/6'
Water Tower Square/Panhandle (1 way around park)	30'	NA	1 twelve foot travel lane	8' parallel on one side	4'/6'
Myrtle Green:	60'	NA	2 twelve foot travel lanes	8' parallel on both sides	4'/6'
Realignment of Filbert and Meek Avenue:	100'	40'	2 ten foot travel lanes on each side	No parking on street	4'/6'

Site Plan

Felson Companies' application includes constructing a mix of 171 rowhouse units in 4-, 5-, and 6-plex configurations, 162 attached cluster units, 16 duet-style attached single-family homes, and one retail commercial structure. These elements are arranged in a grid plan which matches to a large extent the grid pattern and open space network of the Design Plan, with the single family units on the east side of the site adjacent to existing single-family homes and the rowhouse units on either side of the centrally-oriented cluster units. There are also rowhouse units on either side of the southern Panhandle. The duet units range from two to three stories in height and the rowhouse and court townhouses are 2 stories over parking. There are four primary entries to the site: the main Myrtle Street entry at Winton Avenue to the south, the realigned Meek Avenue to the east, and Filbert Street and the new Martin Luther King, Jr. Way roadway which has an east-west orientation in the Felson plan. A public road at the south Panhandle will provide access to facilities south of Winton Avenue.

The nearest townhomes are 65 feet from the railroad tracks. Special sound transmission class door, window and wall assemblies will be employed to keep interior noise levels within City standards. Exterior standards will be met by the site planning of private balconies and patios facing the courtyards, the planned 8-foot sound wall along Winton Avenue and continuing along the west side of Martin Luther King, Jr. Way, and community outdoor spaces which are shielded by traffic and rail noise by the buildings themselves. The sound wall will be landscaped on both sides for beautification and to avoid graffiti.

Enhancing the pedestrian connections throughout the site plan are 20 to 33 foot wide mid-block "paseos" that are designed to separate the buildings, integrate the private open space areas with the public open space areas such as Water Tower Square and the Panhandle, and provide a sense of openness.

Traffic and Parking

The traffic generation of the project is well within the trip generation of the Design Plan Environmental Impact Report which found that the total trips generated was insignificant, after discounting the site's existing truck traffic. According to the Mitigated Negative Declaration completed for the project, there would be a net increase of 408 average daily trips from the Felson and Citation projects, which includes an increase of approximately 40 peak hour trips. This would be a less than significant impact on surrounding streets and intersections.

The City's Off-Street parking regulations for the project require a minimum of 1 covered and 1.10 open spaces per dwelling unit. The Felson plan complies with this requirement. The plan has 698 covered parking spaces (2 per unit) and 33 onsite guest parking spaces. On-street parallel parking provides 146 spaces. The parking ratio not including street parking is 2.1:1; including street parking the ratio is 2.5:1. The 2975 square foot commercial structure requires 15 dedicated parking spaces. The plan provides 7 spaces.

While the plan is short 8 spaces for the retail use, the pedestrian-oriented nature of the Cannery plan would make up for the lack of dedicated spaces.

Impact on Schools

The Felson project would generate 70 elementary school students, 27 middle school students, and 27 high school students. The Design Plan calls for the expansion of the Burbank School site and construction of a new elementary school to accommodate the projected enrollment. According to the Hayward Unified School District, this number of additional students would result in an incremental but potentially significant impact to local public schools within the service area of the proposed project. The applicant will be required to pay school mitigation fees to the City in effect at the time building permits are granted or provide other mitigation found acceptable to the School District.

Pedestrian Circulation and Landscaping

The plan's open space/park network connects to Water Tower Square in the center (a gathering spot for residents and visitors) by the 70-foot-wide pedestrian-oriented Panhandle median. The square will feature improvements that do not duplicate the activity areas of Cannery Park and will be further defined by HARD working in conjunction with the developer. Other pedestrian connections include the Myrtle Street Green at the south entrance to the Cannery area. This green will function as a landscaped gateway to the project. All buildings are planned within a well integrated, pedestrian-friendly series of green space courts and mid-block "paseos." These "paseos," in turn, lead to the north and south Panhandle.

The overall landscape scheme is designed to define and soften the outdoor spaces, accentuate the street edges, provide a pedestrian scale, and define the planned neighborhood blocks. Planting schemes and hardscape elements will be designed to complement the building architecture, create a sense of place within the development, and provide a visual buffer to areas such as the railroad tracks and the Winton Avenue overpass.

Individual Parcels/Units

The typical residential lot in the duet single-family area is 38 feet by 90 feet or 42 feet by 90 feet, depending on the plan type with a corresponding lot area of 3420 or 3780 square feet. The distance from the front property line to the dwelling unit is a minimum of 10 feet, and the rear yards have a depth of 15 feet. Private open space ranges from approximately 700 square feet to 800 square feet. All of the private open space is enclosed by fencing. Side yards are a minimum of 4 feet. Duet floor plans are 2202 to 2491 square feet, each at two stories and each with 2 single car garages.

Rowhouse floor plans come in three sizes at 1437, 1536, and 1747 square feet with each unit having 2 floors above a ground-floor garage. The Court townhouses range from 1301 to 2600 square feet in two story configurations over a ground-floor garage. All of

the multi-family buildings have common open space areas called "paseos" that lead to parks and larger open space areas

Building Elevations

The homes are designed to look like individual units built over time in an urban setting, with their own separate address and elevation. The board and batten and stucco pitched roof architecture is meant to complement existing architectural styles in the area.

There is one architectural style with two different façade treatments for the duet units. Elevation "A" has a composition shingle roof, stucco finish, board and batten siding, wood trimmed bay windows, and first floor lap siding in certain areas. Elevation "B" has a composition shingle roof, a standing seam metal roof over protruding bays, stucco finish and trim, wood trimmed bay with corrugated metal inlay, and first floor wood siding and trim.

For the rowhouse townhouse units there is one architectural style with two different façade treatments. Elevation "A" has a composition shingle roof, board and batten siding and stucco finish for the second floor, second floor wooden pot shelves, second floor lap siding to the window sills, standing seam metal roofs over first floor protrusions, first floor lap siding or stucco finish, and stucco finish and metal guard rails for the front porches. Elevation "B" has a composition shingle roof, second floor stucco finish, second floor wood potshelf with corrugated metal inlay, first floor wood siding with trellises at the entries and metal guardrails on the front porches. In the court units there are two elevations. Elevation "A" has a composition shingle roof, wood corbels, second floor lap siding and stucco finish, second floor wooden balconies, standing seam metal roofs over the front entrances, and wooden guardrails on the porches with wooden corbels underneath. Elevation "B" has a composition shingle roof, a combination of pitched and shed roofs with wooden corbels underneath, first and second floor stucco and wood vertical siding, and metal guardrails with wooden corbels underneath for the front porches.

Retail Commercial Structure

As required by the Design Plan, a neighborhood retail facility should be located near the Myrtle Street entrance to the project to provide convenience service to the neighborhood. There is one 10,200 square foot commercial parcel near the Myrtle Street entrance. It would house a 2975 foot structure and 7 dedicated parking spaces. Elevations for the commercial structure are not defined at this time, but will be conditioned to blend well with the surrounding residential structures and be further refined in the Precise Plan stage.

II. Tract Map

The proposed subdivision of the Felson plan shows 8 condominium parcels for the multi-family units, 16 single-family lots, 1 commercial lot, and 7 common/open space parcels.

The developer of this project will need to construct all streets and alleys in the project according to standards from the Design Plan and construct/replace certain domestic water and sanitary sewer offsite utilities as well as construct all water, sewer, and storm drain mains and laterals onsite. In addition, the developer is requesting the City to vacate Cannery Court and purchase that property from the City as well as construct the new access road to existing facilities south of Winton Avenue. The developer is also requesting the City to vacate a portion of Myrtle Street, purchase that portion from the City, as well as to construct the street improvements associated with improving the Myrtle Street entrance and the realigned Meek Avenue. Appropriate easements will be reserved for the underground utilities to remain in Cannery Court, Meek Avenue, and Myrtle Street. Lastly, the developer will need to construct and install landscaping improvements at Water Tower Square and the Panhandle median strips and dedicate these areas to the City.

In order for the project to proceed, the City would need to: convey to the developer the house on Myrtle Street owned by the City; and vacate and convey to the developer the property now consisting of Cannery Court. The Planning Commission will need to find these transfers consistent with the General Plan and concur with the vacation of streets.

Inclusionary Housing

According to the City's Inclusionary Zoning Ordinance, fifteen-percent of the units in all residential projects of 20 or more units must be set aside for occupancy by "moderate" income buyers (i.e., those whose household income does not exceed 110% of the Area Median Income). The Agency is required to assure that fifteen percent of all new housing in the Project Area is available to both very low and moderate income households for 45 years or the term of the Redevelopment Plan. In adopting the Cannery Area Plan, the City Council stated its desire to assure that there would be an economic mix of households in the new neighborhood being developed, in line with the requirements for affordable housing production set forth in State law for the Redevelopment Agency. All such projects are required to ensure that nine percent of the units are available to moderate income households and six percent are set aside for "very low" income households (i.e., those whose incomes do not exceed 50% of the Area Median Income).

The Felson plan proposes to provide 32 (9%) moderate income units on site, distributed evenly and reflecting the distribution of bedroom sizes throughout the development. Felson proposes to provide the 21 (6%) very low income rental units off site as part of a joint development being proposed by Citation Homes with Eden Housing on 1.88 acres of the Santos Property located within the Cannery Plan area fronting along C Street and Grand Street, across from the Downtown BART station. Citation has acquired the right to purchase the Santos Property and, in conjunction with Eden Housing, proposes to provide the land and any required additional subsidy for a housing development of at least 52 one bedroom senior units. Eden proposes to secure either HUD 202 financing or Low Income Housing Tax Credit authority to provide primary financing for the housing. This

senior housing development would be integrated with a new, independently financed office building for Eden Housing. According to Eden, the demand for subsidized senior housing in the Hayward/Union City area far exceeds the available supply.

Joseph Felson has formally confirmed their intention to participate in the inclusionary housing plan proposed for the Citation development.

Given the documented need for affordable senior housing in Hayward and the benefits of it being developed in an area close to the downtown with readily available transportation, shopping, library and other municipal services for seniors, the staff supports this off site placement of the very low income units. In addition, this project will provide stimulus to redevelopment of the west side of the BART station that was envisioned in the Cannery Area Plan.

III. Proposed Vacation of Cannery Court

The vacation of Cannery Court is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to section 15305, Class 5, Minor Alterations of land Use Limitations. The vacation of Cannery Court and the transfer of the house on Myrtle street by the City to the developer is consistent with the General Plan.

IV. Exception to Tandem Parking Requirements

There are 137 tandem garages in the Felson plan. The City's Tandem Parking Ordinance allows that 35% of the multi-family units in a residential project outside the Central Parking District can have tandem garages. As the project has 333 such units, 117 of the units would be eligible as tandem units. The Felson plan with 137 tandem units (41% of the total multi-family units) exceeds this requirement.

The City's Tandem Parking Ordinance states that tandem parking may be permitted by the Planning Commission for multi-family residences outside the Central Parking district when both spaces are assigned to the same dwelling unit and are enclosed within a garage and when 1) the development contains at least 20 units and is located within 1000 feet of a bus route with 7-day service or a rail station; 2) no more than 35% of the residences are provided tandem spaces; 3) the tandem garages are spaced or grouped such that vehicular movement conflicts are minimized; and 4) the tandem garages are located such that vehicles back out into an alley or courtyard that provides access to parking facilities only. Based on a recommendation from the Planning Commission, the percentage of units with tandem garages may be increased by the City Council where such increase serves to meet the goals of an officially-adopted Design plan, including, but not limited to, density and architectural design.

The use of tandem units in the Felson plan, which are distributed throughout the site, allows the applicant to meet the intent of the Cannery Area Design Plan. As well, the project is within 1000 feet of the Amtrak rail station and 7-day bus service on West A

Street and Winton Avenue (AC Transit). It is also approximately one half mile from BART. In light of the pedestrian-oriented nature of the site plan and access to transit and the downtown, it appears appropriate to make an exception to the tandem parking requirements in favor of the Felson plan.

ENVIRONMENTAL REVIEW (CEQA)

A Final Program EIR was certified by the City when it adopted the Hayward Cannery Area Design Plan in 2001. The Felson plan proposed no modifications to the Design Plan. The project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study was prepared for the project. The Initial Study was prepared to determine whether the project would result in significant environmental effects that were not examined in the 2001 Program EIR or an increase in severity of previously identified impacts. Issues with potentially significant impacts discussed in the checklist were in regard to air quality, cultural resources, geology and soils, hydrology/water quality, noise, public services and recreation. It was determined that the proposed project, as conditioned to include the recommended mitigation measures, would not result in significant effects on the environment. Therefore, a mitigated negative declaration was distributed for review on October 18, 2005. The mitigated negative declaration is tiered to the earlier Cannery Area Design Plan and implements necessary mitigation measures from this EIR pertinent to impacts documented in the mitigated negative declaration. The Mitigation Monitoring & Reporting Program adopted with the 2001 Program EIR remains in full force and effect, except where specifically clarified by the Mitigated Negative Declaration.

PUBLIC NOTICE

On October 18, 2005, a notice of public hearing and preparation of a Mitigated Negative Declaration was published in the Daily Review and mailed to property owners and occupants within the adjacent neighborhoods. Appropriate public agencies were also notified. To date no comments have been received.

CONCLUSION

When a project is zoned Planned Development, the following finding is required:

"Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards."

The project has the following redeeming features: it closely follows the requirements of the Design Plan in terms of the land uses, site plan layout, and development standards; it would provide a substantial amount of pedestrian-friendly high density residential development near the City of Hayward downtown and be reasonably close to transit facilities, including BART, AC Transit, and Amtrak; it maximizes land use efficiency; it provides housing serving the unmet needs of City of Hayward residents; the project

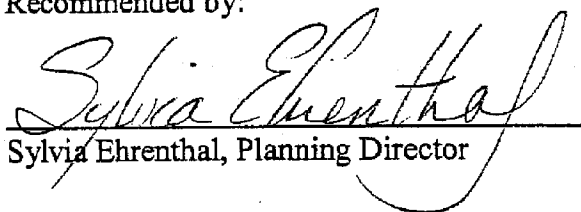
provides a substantial number of affordable housing units; and the project transforms an outdated brownfield site into a well designed community. The project includes the development of the Water Tower Square, a gathering spot for residents, and the north and south Panhandle which links the residential units to the Square and to the active recreational facilities in Cannery Park to the north. The plan includes "paseos" connecting the residential blocks to the Panhandle. The applicant has sought Planned Development zoning to ensure some degree of flexibility in the execution of the plan while at the same time remaining consistent with the layout, policies and standards of the Design Plan.

If the Planned Development application and Vesting Tentative Map are approved by the City Council, the next phase in the development is the review and approval of the Precise Plans by the Planning Director, the review and approval of the grading and improvement plans by the City Engineer, and the review and approval of the Final Maps by the City Council. Once the Precise Plans and Final Maps are approved, the developer may submit plans for building permits.

Prepared by:


Richard Patenaude, AICP
Principal Planner

Recommended by:


Sylvia Ehrental, Planning Director

Attachments:

- A. Area Map, General Plan Map, Zoning Map
- B. Findings for Approval
- C. Conditions of Approval
- D. Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Plan
Plans and Exhibits.

**DUE TO THE LENGTH OR
COLOR OF THE
REFERENCED EXHIBITS,
THEY HAVE BEEN
ATTACHED AS SEPARATE
LINKS**

CANNERY COURT PROJECT
Zone Change Application No. PL-2005-0167
Felson Companies (Applicant/Owner)

November 17, 2005

Findings For Approval – Zone Change

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the project provides needed housing and affordable housing units in Hayward in conformance with the Cannery Area Design Plan;
2. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans including the Cannery Area Design Plan and the City of Hayward General Plan;
3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified in that the project is in conformance with the streets and public facilities as detailed in the Cannery Area Design Plan; and
4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that the project closely follows the requirements of the cannery Area Design Plan in terms of the land uses, site plan layout, and development standards; it would provide a substantial amount of pedestrian-friendly high density residential development near the City of Hayward downtown and be reasonably close to transit facilities, including BART, AC Transit, and Amtrak; it maximizes land use efficiency; it provides housing serving the unmet needs of City of Hayward residents; the project provides a substantial number of affordable housing units; and the project transforms an outdated brownfield site into a well designed community.

Findings for Approval – Preliminary Development Plan

5. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, Program Environmental Impact Reports, and Section 15074, Mitigated Negative Declarations, a Mitigated Negative Declaration has been prepared in association with approval of Zone Changes Application No. PL-2005-0167, as conditioned, and it has been determined, based on the whole record (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration is complete and final and reflects the City of Hayward's independent judgment and analysis.

6. The development is in substantial harmony with the surrounding area and conforms to the General Plan, the Cannery Area Design Plan, and applicable City policies in that the design and layout of the development involves a variety of homes of high quality design that will be constructed in an already-disturbed area, will further the City's goal to provide ownership housing opportunities as expressed in the Housing Element of the General Plan, and will help further the City's Housing Element policy to provide housing opportunities for all household income levels in that 32 ownership housing units for moderate income households and 21 ownership housing opportunities will be provided for very low income households in the City as a result of the project.
7. Streets and utilities, existing or proposed, are adequate to serve the development in that project conditions of approval require that 8 roads be constructed to Cannery Area Design Plan street standards to serve the development.
8. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development, in that the project will result in the dedication of approximately 4.7 acres for group open space, the Panhandle parks, and Water Tower Square, development of the parks with recreation facilities, detention basins, etc. in a manner to be found acceptable by the Hayward Area Recreation and Park District in an area of the City that lacks adequate recreational opportunities.
9. The applicant has faithfully followed the standards and guidelines of the Cannery Area Design Plan and any latitude or exception(s) to development regulations or policies such as the amount and location of retail uses is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.
10. Substantial proof exists that the proposed changes will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the project will allow development of 333 ownership housing units, where ownership housing is supported by the Housing Element of the General Plan, in that post-construction erosion and siltation impacts will be mitigated via Best Management Practices in accordance with the requirements of the California Regional Water Quality Control Board, and in that post-construction noise impacts will be mitigated via a sound wall, wall assemblies and other methods as documented in the project's noise report, and in that the extent and density of development will be guided into a cohesive pattern that avoids encroachment into natural, undisturbed areas; and will result in the dedication of approximately 4.7 acres for group open space, the Panhandle parks, and Water Tower Square and the development of the parks with recreation facilities, detention basins, etc.

11. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the proposed project would provide for new recreational amenities in an area of the City that is currently underserved by such facilities and would provide for development of high-quality housing that would be consistent with standard geotechnical and building construction practices. Also, the project would be consistent with the City's General Plan policies, and the Cannery Area Design Plan by proposing a development that incorporates additional housing in the area at about the same density as surrounding existing housing, mitigates land use conflicts between residential and non-residential land uses, and utilizes landscaping, pedestrian pathways,, and a variety of building designs and massing that assist in creating a harmonius development.
12. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified in that a new street will be constructed providing access to the Felson project. Myrtle Street will be constructed providing access to Winton Avenue in the south which will connect via Street Five to the realigned Street Four (formerly Meek Avenue), thereby providing 2 means of ingress/egress to/from the development that would meet City standards; and
13. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that the proposal would result in a residential environment of sustained desirability and stability that would provide for high-quality ownership housing.

Findings for Approval – Inclusionary Housing Plan:

14. The proposed project will result in greater affordable housing opportunities in Hayward than what would normally be required for the project in that townhouses affordable to households of moderate income would be developed on site and very low income units offsite within the Cannery Area Plan as a result of the project.

Findings for Approval – Tandem Parking:

15. There are 137 tandem units in the Felson plan. The City's Tandem Parking Ordinance allows that 35% of the multi-family units in a residential project outside the Central Parking District can be tandem units. As the project has 333 such units, 117 of the units would be eligible as tandem units. The Felson plan with 137 tandem units (41% of the total multi-family units) exceeds this requirement.

The City's Tandem Parking Ordinance states that tandem parking may be permitted by the Planning Commission for multi-family residences outside the Central Parking district when both spaces are assigned to the same dwelling unit and are enclosed within a garage and when 1) the development contains at least 20 units and is located within 1000 feet of a bus route with 7-day service or a rail station; 2) no more than 35% of the residences are provided tandem spaces; 3) the tandem garages are spaced or grouped such that vehicular movement conflicts are minimized; and 4) the tandem garages are located such that vehicles back out into an alley or courtyard that provides access to parking facilities only. Based on a recommendation from the Planning Commission, the percentage of units with tandem garages may be increased by the City Council where such increase serves to meet the goals of an officially-adopted Design plan, including, but not limited to, density and architectural design.

The use of tandem units in the Felson plan, which are distributed throughout the site, allows the applicant to meet the intent of the Cannery Area Design Plan. As well, the project is within 1000 feet of the Amtrak rail station and 7-day bus service on West A Street and Winton Avenue (AC Transit). It is also approximately one half mile from BART. In light of the pedestrian-oriented nature of the site plan and access to transit and the downtown, it appears appropriate to make an exception to the tandem parking requirements in favor of the Felson plan.

Consistency Finding for Vacation of Cannery Court

16. The vacation of Cannery Court is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to section 15305, Class 5, Minor Alterations of land Use Limitations. The vacation of Cannery Court is consistent with the General Plan.

FINDINGS FOR APPROVAL
VESTING TENTATIVE TRACT MAP 7613

1. The approval of Vesting Tentative Map Tract 7613, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Mitigated Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.
2. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

Conditions of Approval
Planned Development Application No. PL-2005-0167
Felson Companies (Applicant/Owner)
333 Multi-Family Units
16 Duet Single-Family Units
1 Retail Commercial Structure

1. Planned Development Application No. PL-2005-0167 to allow the construction of 333 condominium units, 16 duet single-family units, and 1 commercial structure is subject to these conditions of approval and the plans, labeled Exhibit "E." Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
2. The preliminary development plan approval is void one year after the effective date of approval of the planned development unless a precise development plan is submitted for review and processing in accordance with the conditions of approval of the preliminary development plan. Unless otherwise provided by the development agreement for the project, the Planned Development District shall be void when the tract map expires, including any extensions thereof. Any modification to the preliminary development plan shall require review and approval by the Planning Director. A request for an extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to the expiration date. If within 12 months after the approval by the City Council of the Preliminary Development Plan the Precise Development Plan has not been submitted for review and processing, and an extension is not granted by the City, the Planning Commission may initiate consideration of reclassification of the zoning district.
3. The permittee/subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, and agents from and against any claim, action or proceeding against the City, its officers, employees and agents to attack, set aside, void, or annul, an approval by the City concerning the subdivision, which action is brought within the time period covered by Government Code Section 66499.37. The City shall promptly notify the permittee/subdivider of any claim, action, or proceeding, and if the City fails to cooperate fully in the defense, the permittee/subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to the Zoning Ordinance, must be approved by the Planning Director prior to implementation.
5. This approval is tied to Tentative Map Tract 7613 and all conditions of approval of that map shall also apply to this approval.
6. The final map shall be filed and approved by the City and recorded in the County Records Office prior to the issuance of a Certificate of Occupancy of any unit.

7. Any appropriate historical artifacts unearthed on the site within the area covered by the final map in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.
8. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.
9. Prior to application for a building permit, a Precise Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, decorative electroliers, details for fencing, walls, (including the sound wall), berms, architectural plans, sign details, samples of exterior colors and building materials, and screening of all above-ground utilities, transformers and utility meters. The precise plan shall also reflect the design of other public improvements.
10. The Precise Plan shall also include provisions for project staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for noise and dust control, and common area landscaping.
11. The Precise Plan shall include the following:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b) The floor plan and elevations of proposed commercial structure shall be completed at the Precise Plan stage, noting the need for adequate landscape screening per landscape Condition # 27.
 - c)
 - d) Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - e) Details and locations of the perimeter decorative walls and any retaining walls shall be included and approved by the Planning Director.
 - f) Show an exterior hose bib for each private yard, patio, or porch area.
 - g) Show fencing and fencing details, as well as masonry details at prominent locations.
 - h) The pavement at the driveway entries of the duet units and rowhouses and the entries to the interior courtyards of the cluster units shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.
 - i) Pedestrian walkways fronting the building(s) shall be enhanced with decorative materials such as banding, inset brick, exposed aggregate, bomanite stamped concrete or other approved material.

- j) Grouped mailbox design and locations, subject to Post Office approval, shall be approved by the Planning Director.
- k) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
- l) All air conditioners and utility connections for air conditioners shall be located such that all external equipment is located behind solid board fences or stuccoed walls not to exceed the height of the air conditioner unless otherwise approved by the Planning Director. Infrastructure for air conditioning systems is required to be installed as a standard feature.
- m) All parking spaces are to meet minimum City of Hayward on-street and off-street parking standards.
- n) Each unit shall have and maintain a minimum of 90 cubic feet of dedicated storage area, above standard closets and bedroom wardrobes, accessible from the exterior of the unit. Any area of a garage, in excess of the required 11 feet by 19 feet or 20 feet by 20 feet parking area, can be counted toward the minimum requirement.
- o) An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars.
- p) A bicycle rack with a capacity of at least 4 bicycles shall be included within the development at each group open space. The design and placement shall be approved by the Planning Director.
- q) A color and materials board shall be submitted to the Planning Director for review and approval. No changes to colors shall be made after construction unless approved by the Planning Director.
- r) All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen, to be approved by the Planning Director.
- s) No mechanical equipment shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building Code. Roof apparatus, such as vents, shall be painted to match the roof color.
- t) One identification sign per public road entrance shall be permitted. The signs shall conform to Section 10-7.403(b)(2) of the Sign Ordinance regulations, with the locations to be approved by the Planning Director. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Planning Director.

- u) Rooflines shall be articulated to break up bulky facades. Dormer elements are acceptable. Large expanses of blank wall are not allowed. Articulate such expanses to avoid bulkiness.
 - t) All decorative window treatments shall be extended to all elevations.
 - u) All rear and side entries shall be protected by roofs with rooflines to match the pitch of roof of the front porch.
 - v) All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All tandem two car garages shall have the minimum interior dimension of 11 feet by 38 feet. All two car garages shall have the interior dimensions of 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.
12. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
 13. All applicable requirements of the City's Security Ordinance (Ord. No. 90-26 C.S.) shall be met.
 14. All mitigation measures proposed by Illingsworth & Rodkin, Inc. in their project acoustical studies, reflected in letters to Lapidus & Associates, dated August 29, 2005 and September 20, 2005 shall be implemented.
 15. All mitigation measures of the Phase I Environmental Site Assessment prepared by AEI Consultants, dated June 17, 2005 and the Preliminary Soil Investigation Including Liquefaction Analyses prepared by GEI Geotechnical Engineering, Inc., dated February 24, 2005 shall be implemented.
 16. All accessibility requirements of the 2005 Title 24 handicap regulations shall be met for the project; 10% of the proposed number of units shall comply with the regulation. The primary entry to the dwelling unit shall be on an accessible route. At least one powder room or bathroom shall be located on the primary entry level. All rooms located on the primary level shall comply with the provisions of Chapter 11A. Common use areas shall be accessible.
 17. The applicant shall institute a vermin control program before, during and after the construction phases of the project.
 18. All perimeter project walls shall be treated with an anti-graffiti coat.
 19. A sound wall 8 feet above the grade shall be constructed generally as shown on the Tentative Map. The sound wall shall be landscaped on both sides for beautification and to avoid graffiti. The final location, design, color and landscaping of the sound wall shall be subject to approval of the Planning Director.

20. The Myrtle Street entry to the project shall be designed in accordance with the preliminary landscape plans submitted.
21. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.
22. Any onsite transformer shall be located underground.
23. Prior to the sale of any lot to an individual owner (and not another developer or builder) or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private streets, alleys, common area landscaping and open space amenities as depicted on the approved Tentative Tract Map. The developer shall prepare CC&R's for the project and the CC&R's shall be reviewed and approved by the Planning Director. The CC&R's shall include the following conditions:
 - a) Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b) A landscape and lighting assessment district shall be established by the City for the purposes of providing funding for the ongoing maintenance of the public streets and parks, including the Panhandle, Water Tower Square, the median on Street Four (formerly Meek Avenue) and the Myrtle Street Green. The pocket parks, "paseos," the alleys, the driveways (including the driveways to the single-family units), and the green strip along Winton Avenue shall be maintained by the HOA.
 - c) The owners of the duet single-family homes would maintain all open space and improvements within their parcel footprint with the exception of the driveways.
 - d) A statement regarding all HOA fees shall be provided to homeowners on bright paper.
 - e) A reserve fund shall be maintained to cover the costs of replacement and repair of the private streets, alleys, driveways and private common area landscaping including the "paseos."
 - f) The association shall be managed and maintained by a professional property management company.
 - g) The homeowners' association shall be responsible for maintaining all private streets and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include maintaining all stormwater BMPs associated with improvements and landscaping. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association.
 - h) The private streets, alleys, driveways entries, common landscaped areas shall be maintained in good repair, and free of debris at all times.

- i) A requirement that the building exteriors, fences, and walls shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City's Community Preservation Officer.
- j) The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days.
- k) Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance.
- l) The trees planted within the "bulb-outs" within the public streets shall be maintained and retained by the Homeowners Association. The homeowners association shall be responsible for replacing any tree removed within the "bulb-out" landscape areas with a like kind/like size tree as others within the subdivision. The tree shall be replaced within 30-days of notification of its removal.
- m) Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- n) Pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance, a provision that if the homeowners' association fails to maintain the common area or private streets, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs.
- o) The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
- p) The homeowners association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. The homeowners' association shall maintain in good repair the building exteriors. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and

repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

- q) The open parking spaces within parking bays or on the street shall be provided for and maintained as visitors' spaces and shall not be used for recreational vehicles, camper shells, boats or trailers. These spaces shall be clearly marked and monitored by the homeowners association. Parking stalls shall be used only for vehicles in operating condition. The on-street parking on Streets 1/MLK Way, 2, 3, 6, 7, 8, and on the private alleyways shall be limited to 24 hour parking. The homeowners association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.
- r) Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
- s) Any future modification to the approved site plan shall require review and approval by either the Planning Director or the Planning Commission as provided in the Municipal Code and Development Agreement.
- t) Future additions to units are prohibited.
- u) The CC&Rs shall specify the outdoor collection locations of trash and recycle containers. In addition, trash and recycle containers shall not be moved to the collection location more than 24 hours prior to collection and shall be removed within 24 hours after collection.

Landscaping

- 24. Landscape and Civil plans must be submitted on 24 X 36 inch sheets. Landscape plans are considered to be a part of the Civil set along with grading, drainage and all public utilities. Mylars of the approved plans must be submitted to the Engineering section of Public Works.
- 25. An arborist's report with species, size, health, caliper and value according to International Society of Arboriculture is needed for all of the areas encompassed by the plan including any offsite lots that are being affected by this work. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
- 26. Under our Water Efficient Landscape Ordinance, lawn areas should be limited to useable areas. Show how the lawn areas shown on the plans could be usable areas.
- 27. Commercial uses must be screened from residential uses. The requirement is for evergreen trees 20 feet on center on those property lines.
- 28. Street trees are missing at the ends of the landscape median area at the tunnel under Winton Avenue and should be included on landscape drawings at the Precise Plan stage.

29. Trees: Street trees are required to be minimum 24-inch box trees. The use of *Celtis* or *Ulmus* as street tree species is not recommended. *Rapheolepis* is not acceptable as a required tree as it does not provide the required clearance, shade canopy or screening although it may be used as a decorative element. It should correctly be listed under shrubs.
30. Shrubs: We discourage the use of shrubs that must be frequently hedged and headed back to remain attractive such as *Buxus* and *Pittosporum*. *Pittosporum* 'Wheeler's Dwarf' is too fragile for use in high pedestrian areas such as this. *Mahonia repens* should be listed under groundcovers, however it is not suitable in smaller landscape areas.
31. Groundcovers: As noted above, woody types of groundcover should not be used in these smaller areas where they must be constantly headed back to keep them in check. The cut branches along the edges are unattractive and are a tripping hazard adjacent to pedestrian areas. Star Jasmine is not well adapted to use as a groundcover. It tends to climb rampantly up other plants and is difficult to get to provide 100% coverage even after 4 or 5 years. Dieback is also evident in older plants that leaves unattractive gaps and holes in the landscaping. The asiaticum variety is somewhat less rampant but difficult to get established. Do not use *Hedera helix* as it is on Alameda County list of invasive plants. Some other plants that may provide more appropriate groundcover might be *Gazania*, *Fragaria*, *Duchesnea*, *Dymondia*, *Scaveola*, *Cranesbill*, *Erigeron*, *Verbena*, *Ophiopogon*, *Pratia*, and *Zoysia*. Groundcover should be shown in all shrub planter beds under all of the shrubs.
32. Use Boston Ivy rather than *Ficus pumilia* as it is usually less damaging to walls and fences. Add some evergreen vines such as *Hardenbergia* and *Jasmine* which are somewhat less invasive than the *Ficus*.
33. All shrubs are to be five gallon size. Screen all utilities with appropriate 5-gallon shrubs.
34. In order to allow the turning of vehicles immediately upon exiting the garage, the planters directly adjacent to garage doors will need to be appropriately curved. This may mean the use of half circle planters in the more restricted areas and alleys.
35. Some landscape areas appears to have less than 5 feet interior clear distance. The landscape should be expanded to allow for a minimum 5 foot wide landscape not including curbs, walls, foundations, or other obstructions.
36. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
37. Street Trees. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer

spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.

38. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
39. As required by the Planning Director, a street tree plan and front yard landscaping and irrigation plans shall be submitted for review and approval by the city either, prior to approval of improvement plans or prior to the issuance of building permits. Front yards shall be limited to a maximum 50% Fescue turf.
40. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
41. Landscape areas should have a minimum 5-foot interior width. With the addition of two 6-inch curbs, the total width of a planter would be six feet.
42. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
43. Parking lots shall include one 15-gallon tree after every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. In addition, parking rows shall be capped with a landscaped island. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.
44. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.
45. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
46. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

47. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
48. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period.

Solid Waste

49. Compliance to the City's recycling program during construction and for the duration of the development. Please contact Vera Dahle-Lacaze, Solid Waste Manager at (510) 583-4725 for more details regarding the City solid waste program that include the following that are required to be met prior to issuance of a building permit:
- a) A Construction Debris Recycling Statement must be submitted with the building permit application.
 - b) A Construction Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project. Construction Debris Recycling Statement must be completed to obtain approval of the building permit application.
 - c) The Applicant must explain what arrangements will be made for trash and recycling collection. Indicate on the site plan, the formula used for determining the necessary amount of weekly refuse service and indicate what size containers are being proposed. There must be the same capacity for recycling as there is for garbage. In other words, if there is a 2 cubic yard container for garbage then there must also be space available for a 2 cubic yard container for recycling.
 - d) The Applicant must ensure that there is adequate space for a garbage or recycling truck to enter and exit the property in order to service each container.
 - e) The applicant shall complete an On-Site Recycling Plan to demonstrate that 50% of the waste generated during occupancy of the facility will be diverted.

Inclusionary Housing

50. Prior to approval of the First Final Map, whether for the townhouses or the single-family units, an Inclusionary Housing Agreement shall be submitted and approved by the Planning Director. The Inclusionary Housing Agreement shall conform to the requirements of the Inclusionary Housing Ordinance. In addition, the IHA shall include a contingency plan which describes the specific manner in which Developer will be required to produce "very low" income housing units in the event that Eden Housing is

unable to secure adequate financing for the office/senior housing project proposed for the Santos site.

Disclosures

51. Future potential noise from the railroad track shall be disclosed to buyer prior to the sale of a unit.
52. The level of vibration shall be disclosed to buyer prior to the sale of a unit.

CONDITIONS OF APPROVAL VESTING TENTATIVE TRACT MAP 7613

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

Streets

1. Upon any necessary repairs to the facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners association established to maintain the private streets, driveways and common areas within the subdivision boundary.
2. The site plan shall be reviewed with the Fire Department and Engineering Division to ensure that the street and driveway layout is adequate to provide access for emergency, service and utility vehicles, and other commercial trucks. Changes may be necessary including increasing corner radii, driveway widths or intersection alignments and providing truck turn-arounds.

Existing Public Streets

3. The realignment of Myrtle Street, Meek Avenue and Filbert Avenue shall be reviewed and approved by the City Engineer and Fire Department. Civil improvement plans shall show street and right-of-way widths, intersection details, signing and striping, locations of street lights, fire hydrants, manholes, and catch basins and shall meet City Standards. Any improvements along the sections of roadways to remain, damaged during construction, shall be removed and replaced.
4. The Cannery Court right-of-way shall be vacated and the right-of-way purchased by the developer prior to the recordation of the first final map.
5. Existing street and roadway improvements to be abandoned shall be removed completely and clean fill placed to bring the areas up to grade as approved by the City Engineer. Areas

to be vacated to adjacent property owners shall be left in a clean and neat condition and all public street improvements shall be constructed.

6. All curb, gutter and sidewalk along the eastern side of Myrtle Street, from the intersection of West Winton Avenue, up to the end of the new transition shall be removed and replaced. The width of the one way section of Myrtle Street shall be reduced to 16 feet at the intersection of Street One.
7. The developer shall prepare a study of the Winton/Myrtle/Soto intersection to determine whether any modifications to the traffic signal or intersection are necessary, since the issue of queuing was not addressed in the Environmental Impact Report.
8. The developer shall construct a 24 foot wide street to provide access to the storage facility on the south side of Winton prior to the closure or removal of Cannery Court.
9. Decorative pavements shall be capable of supporting a 50,000 lb. GVW load. Curb returns shall have a minimum radius of 30 feet at the curb face.
10. New standard streetlights shall be installed along the realigned public streets. The design and location shall be approved by the City Engineer.

New Public Streets

11. New public streets shall conform to the widths and alignments shown in the Cannery Area Design Plan, Final Report dated March 22, 2001.
12. The street design shall utilize standard curb and gutter. The street sections shall be constructed to public street standards and shall be capable of supporting a load of 50,000 GVW, including sections of decorative pavement. Curb returns and bulb outs shall be designed to facilitate street sweeping.
13. Street Five, at the intersection of Street One, shall be widened from 24 feet to 29 feet.
14. Street Four, at the intersection of Street Five, shall be redesigned to conform to the proposed realignment of Filbert Street and Meek Avenue as shown in the Cannery Area Plan.

Interior Private Alleys

15. All of the private alleys shall be designated as fire lanes and no parking will be allowed except in designated parking areas. Curbs shall be painted red and fire lane signage installed. Installation of red-curb and signs shall meet Fire Department and City Engineer standards.
16. The interior private alleys shall have a minimum width of 20 feet curb to curb and may utilize rolled curb and gutter when accommodating garages and driveways. Vertical curb

and gutter shall be used in all other areas. Parking spaces may be provided along the alleys as long as they do not reduce the 20 foot travel way width and the required back up area from adjacent garages.

17. The interior intersections shall be designed as driveway intersections which must meet Fire Department access and turning requirements. Handicap ramps shall be installed to facilitate access and circulation throughout the development.
18. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.
19. The private alleys shall be dedicated as PUE, PAE, SSE, WLE and EVAE.

Parking and Driveways

20. The applicant/developer shall provide sufficient parking spaces for the development to meet the requirements of the City of Hayward Municipal Code. Parking stall dimensions and driveways shall meet City requirements as approved by the Planning Director and City Engineer.
21. The applicant/developer shall demonstrate that backup space meeting City Standards, typically 26 feet, is being provided from all garages. This backup space shall not require that property owners utilize adjacent driveway approaches. The applicant/developer shall also demonstrate that adequate sight distance is being provided within the courtyards to prevent vehicles from backing into other vehicles and over improvements or items within the courtyard.
22. ADA compliant parking stalls and loading areas shall be located adjacent to each open space within the development. Handicap ramps and pathways shall be provided throughout the project.
23. If feasible, parking spaces shall be provided adjacent to the group mailboxes and shall be designated as 10 minute parking only.

Landscaping and Irrigation

24. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
25. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.

26. Prior to issuance of the first certificate of occupancy for either a single family home or a condominium building, the developer shall form a Landscape and Lighting District to provide funding for the operation and maintenance of the Water Tower Park, linear parks, medians and open spaces as determined during review and approval of the Precise Plan. Prior to approval of the first final map, the developer shall provide a \$10,000 deposit to the City to cover the costs associated with formation of the District.

Storm Drainage

27. The on-site storm drain system outside the public streets shall be a private system owned and maintained by the homeowners association.
28. All storm drain pipe and catch basins to be abandoned shall be removed.
29. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and the City Engineer. Development of this site is not to augment runoff to the District flood control facility downstream. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities. If there is augmented runoff, off-site and/or on-site mitigation measures will be necessary.
30. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
31. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.
32. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area prior to storm runoff entering a pipe system.
33. The developer shall prepare a Storm Treatment Measures Maintenance Agreement for storm water BMPs constructed as part of this project. The Maintenance Agreement shall be reviewed and approved by the City prior to recordation with the Alameda County Recorder's Office. The Agreement shall be recorded to ensure that the responsibility for maintenance is bound to the property in perpetuity.

34. The project streets, driveways and parking areas shall be designed to facilitate street sweeping, including the layout of the tree and handicap ramp bulb outs. The HOA shall be responsible for street sweeping on a regular basis.
35. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
36. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
37. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
38. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
39. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.

Sanitary Sewer System

40. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application. The proposed sanitary sewer main shall be a public system, owned and maintained by the City. Each residential unit must have a separate sewer lateral.
41. The project will utilize an existing 21 inch line downstream of the project which is currently at maximum capacity. The developer shall either replace the section of main with a pipe of adequate capacity, or install a parallel line and manholes to provide the necessary capacity. The improvement plans for this work shall be reviewed and approved by the City Engineer prior to the start of work.
42. The existing 10" sewer main adjacent to the railroad tracks shall be removed and replaced with a 12" main.
43. Stub outs shall be provided to facilitate extension of mains to serve adjacent projects.
44. The on-site sanitary sewer system shall have 8-inch public mains, designed with a manhole at all angle points and ending with a manhole. The main design and location shall meet the approval of the City Engineer.

Water System

45. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application. Each residential unit must have an individual water meter which must be a radio read meter. The water meters for the condominium units must be ganged adjacent to the street and within the paseo areas or water mains within the courtyards must be extended and connected.
46. The existing 6 inch water mains within Myrtle Street, Meek Avenue and Filbert Street shall be removed and replaced with 12 inch water mains.
47. The water lines within the proposed development must have a looped design. The water mains within Street Four shall be connected to the main in Street Five. The main in Street Three shall be extended to Street Eight. The main in Street One must be extended to Street Eight via MLK Way. Water mains may be extended utilizing easements if necessary to provide a looped design.
48. Ductile iron pipe shall be used in all easements and control valves are required in the street prior to easements for all water mains.
49. Fire hydrants shall be provided throughout the development as approved by the Fire Department prior to start of construction. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant.
50. Fire hydrants shall be double steamer type hydrants with 2 – 4 1/2" outlets and 1 – 2 1/2" outlet which shall be installed per City standards.
51. Fire flow requirements for this development shall be 3,000 gallons per minute at 20 psi. A 50 percent reduction will be allowed in the fire flow for automatic fire sprinkler systems, which are required to be installed within each building.
52. Crash posts may be required around the fire hydrants if the hydrants are installed in a location that may be susceptible to potential vehicular impact.

Utilities

53. All existing overhead facilities along Myrtle Street and Meek Avenue within the project boundaries shall be undergrounded.
54. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC and Comcast regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.

55. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
56. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
57. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Fire Protection

58. The proposed Emergency Vehicle Access Road (EVAR) shall be continuous along the West Winton Avenue soundwall and shall interconnect to the hammerhead between buildings #29 and #30 and connect to the hammerhead between buildings #31 and #32.
59. A second EVAR shall be designed to service buildings #44 and #46. The proposed hammerhead shall be extended and an additional access point shall come in from MLK Way.
60. A third EVAR is required on the driveway serving buildings #1, #2, #5 and #6. This EVA shall extend from the edge of pavement to Street 4, allowing fire apparatus to exit onto Street Four or enter from Street Four.
61. All of the approved EVARs shall be secured as required by the Hayward Fire Department.
62. The development has been presented as a condominium subdivision (R-1 occupancy) with 3 story structures having garages at grade level and two floors of living space above the garage. Design and construction shall meet the California Fire Code and all applicable City ordinances and amendments in use by the Hayward Fire Department.
63. The maximum height of the proposed buildings shall not exceed 35 feet (to the top of the roof pitch).
64. Each building will be required to have an automatic fire sprinkler system installed per NFPA 13 Standards. This requirement includes the installation of fire sprinklers within all living spaces areas, garages, under combustible decking (if applicable), crawl spaces, foyers and porches, and any other area deemed hazardous by the Fire Marshal.
65. In addition, each building shall have a dedicated underground fire service lateral installed for the fire sprinkler system meeting NFPA 24.

66. The Fire Department Connections (FDC) and Post Indicator Valves (PIV) that serve the fire sprinkler system shall be installed in acceptable locations as approved by the Fire Department.
67. Exterior local alarm bell(s) shall be installed on each fire sprinkler system riser.
68. Interior audible devices shall be installed within each condominium unit and shall be capable of activating upon any fire sprinkler system waterflow activity.
69. A manual and automatic fire alarm (evacuation) system will be required within each building. The system will require manual pull stations, audible and visual devices and smoke detectors within all common areas of the building and shall be in conformance with NFPA 72 Standards.
70. Units within buildings that may be designated for handicap individuals will require additional life safety features which will include additional fire notification devices as part of the manual and automatic fire alarm (evacuation) system.
71. Central station monitoring is required for any fire sprinkler system installation which has more than 100 fire sprinkler heads and for the fire alarm system.
72. Interior (single-station) residential smoke detectors shall be installed within each condominium unit. Smoke detectors shall be installed per the CBC and shall be hard wired with battery backup. Single-station smoke detectors shall not be interconnected to the buildings fire alarm system.
73. Portable fire extinguishers having a minimum rating of 2A:10BC shall be installed in common areas and locations of each building as required by the Hayward Fire Department.
74. Addressing for each building as well as individual units shall be assigned and approved by the Fire Department. Numbers shall be a minimum of 4 inches in height (self-illuminated) and be visible from the street.
75. Approved spark arrestors shall be installed on chimney caps.

Hazardous Materials

76. Submit copies of a Phase I Environmental Assessment to the Hayward Fire Department Hazardous Materials Office.

Retaining Walls

77. All retaining walls shall be constructed with decorative reinforced concrete. The exposed face of any retaining wall shall not exceed 6 feet from ground to top of wall.

78. The retaining wall/sound wall combination along the rail road property line shall be constructed with decorative reinforced concrete and shall incorporate vine pockets to allow landscaping to cover both sides.

Dedications, Easements and Deed Restrictions

79. The final map shall reflect:
- a. Five-foot-wide public utility easements (PUE) along the edge of the public/private streets where necessary as determined by the City Engineer;
 - b. Dedication of joint access and maintenance easements over the joint driveways for the single family homes;
 - c. Dedication of right-of-way for the realignments of Myrtle, Meek and Filbert;
 - d. Abandonment of right-of-way for Cannery Court. The necessary utility easements shall be shown for the utilities which will remain in place.

Subdivision Agreement

80. Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

81. Required water system improvements shall be completed and operational prior to the start of combustible construction to the satisfaction of the Fire Chief.
82. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

83. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
- a. Grading and construction activities shall be limited to the hours 7:30 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on Saturdays, Sundays or holidays;
 - b. Grading and construction equipment shall be properly muffled;

- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information;
- f. The developer shall participate in the City's recycling program during construction;
- g. Daily clean-up of trash and debris shall occur on neighborhood streets utilized by construction equipment or vehicles making deliveries;
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;

- p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place;
 - r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See *"Building Maintenance/Remodeling"* flyer for more information;
 - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
84. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
85. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
86. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per condition of approval No. 22 above.

87. Construction Administration services shall be provided by the project landscape architect. Services to include:
- a. Observation of irrigation system before burying pipes;
 - b. Observation of plant material upon delivery to the site;
 - c. Observation of layout and placement of plant material upon delivery to the site;
 - d. Observation for maintenance period commencement; and
 - e. Observation for final acceptance.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

88. The applicant/developer shall pay the following fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits:
- a. Supplemental Building Construction and Improvement Tax;
 - b. School Tax;
 - c. Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued; and
 - d. Park In-lieu fees for each dwelling unit at the rate in effect when the building permit for unit is issued.
89. Any damaged curb, gutter and/or sidewalk along the Myrtle Street, Meek Avenue, Filbert Avenue and West Winton Ave property frontages shall be repaired or replaced to the satisfaction of the City Engineer.
90. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
91. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

92. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any

unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

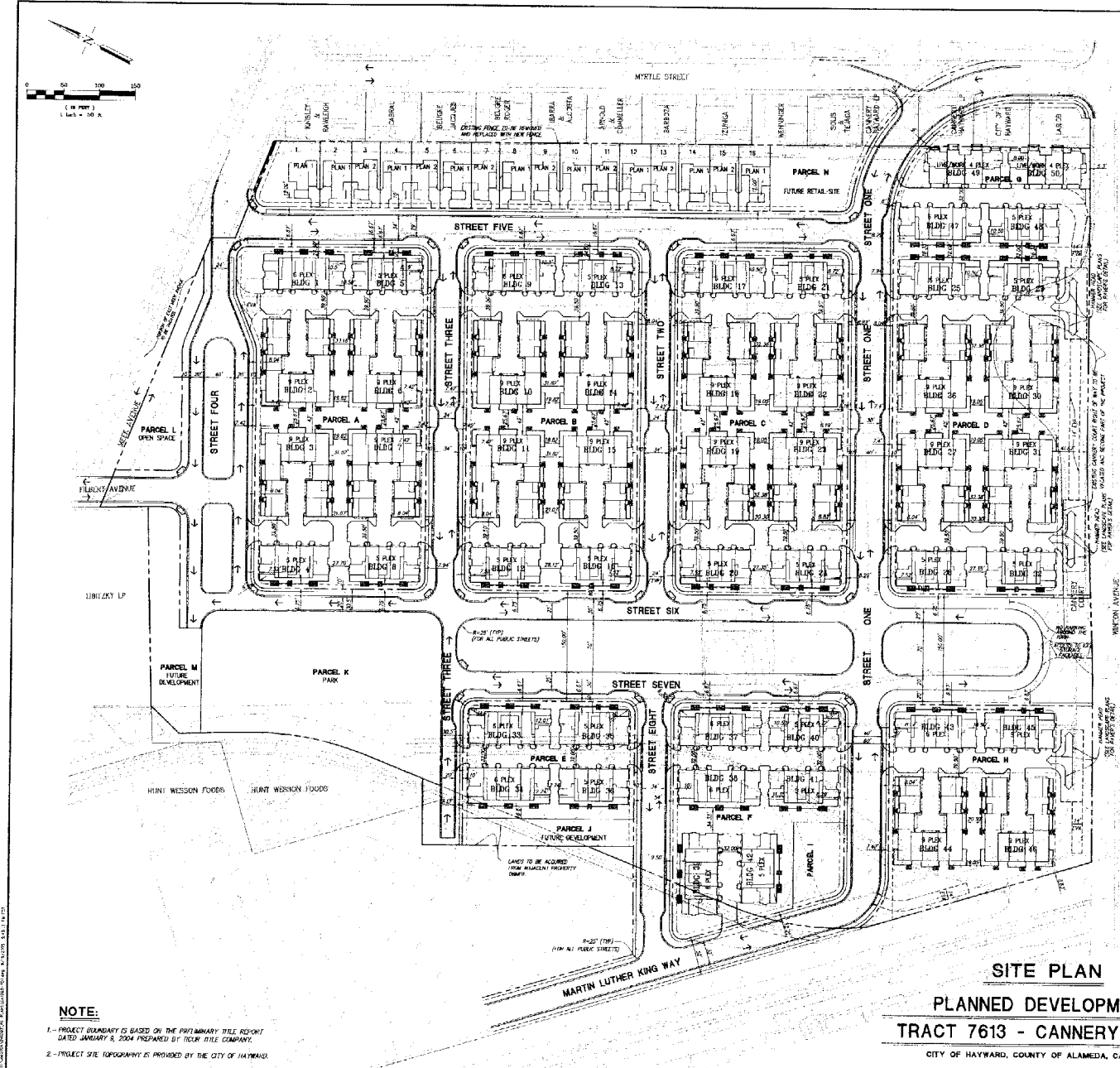
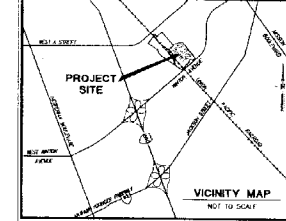
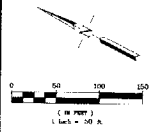
93. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
94. The improvements associated with the Pacific Gas and Electric Company, SBC and Comcast shall be installed to the satisfaction of the respective companies.
95. The subdivider shall submit an "as built" plan indicating the following:
 - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, SBC and Comcast, etc; and
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

COVER SHEET
TRACT 7613 - CANNERY COURT
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

OWNER/DEVELOPER: FELSON COMPANIES
HAYWARD, CALIFORNIA

INDEX

- I CIVIL PLANS:
 - PD PLAN (1 SHEET)
 - VESTING TENTATIVE MAP (4 SHEETS)
- II LANDSCAPE PLANS (2 SHEETS)
- III ARCHITECTURE PLANS (31 SHEETS)



LEGEND

- TRACT BOUNDARY
- PROPOSED RIGHT OF WAY
- TRAFFIC CIRCULATION
- PROPOSED FACE OF CURB
- LOT LINES

SITE SUMMARY PHASE I

TOTAL RESIDENTIAL UNITS PHASE I	347
TOTAL S.F. AREA PHASE I	27.24 ACRES
PARCEL STREET FRONT OF WAY PHASE I	6.86 ACRES
NET DEVELOPED AREA PHASE I	18.81 ACRES
TOTAL AREA LESS PUBLIC STREETS & FUTURE DEVELOPMENT PARCELS	18.71 ACRES
NET DENSITY	18.71 DENSITY
PROPOSED PHASE I	18.71 DENSITY

LAND USE SUMMARY

4-plex (100% PAVEMENT)	17.02 ACRES
5-plex (100% PAVEMENT)	1.84 ACRES
6-plex (100% PAVEMENT)	0.84 ACRES
7-plex (100% PAVEMENT)	0.26 ACRES
SITE TOTAL	27.24 ACRES

PARKING SUMMARY

4-plex (100% PAVEMENT)	104 SPACES
5-plex (100% PAVEMENT)	22 SPACES
6-plex (100% PAVEMENT)	14 SPACES
7-plex (100% PAVEMENT)	8 SPACES
TOTAL	148 SPACES
OVERALL PARKING RATIO	2.3 SPACES/UNIT
PARKING RATIO EXCLUDING STREET PARKING	2.1 SPACES/UNIT

OPEN SPACE SUMMARY

GROUP OPEN SPACE	1.56 ACRES
PAVEMENT PARKS	1.24 ACRES
PAVED STREET SQUARE (PERCENT)	0.26 ACRES
TOTAL OPEN SPACE	4.72 ACRES

UNIT COUNT

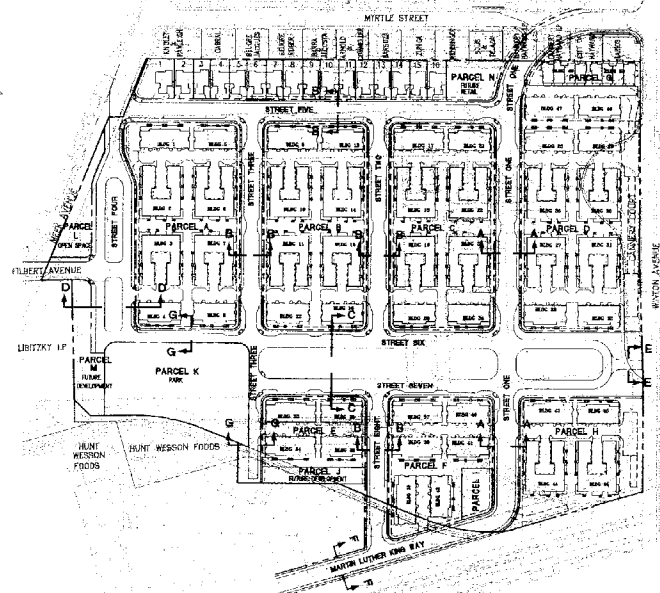
CLUSTER TOWNHOMES - 5-plex	18 BUILDINGS
182 UNITS TOTAL	
DET. TOWNHOMES	18 UNITS TOTAL
182 UNITS TOTAL	
ROWHOUSE TOWNHOMES - 5-plex	18 BUILDINGS
18 UNITS TOTAL	
ROWHOUSE TOWNHOMES - 6-plex	18 BUILDINGS
18 UNITS TOTAL	
LINE/WORK - 4-plex	2 BUILDINGS
2 UNITS TOTAL	
TOTAL	347 UNITS TOTAL

SITE PLAN
PLANNED DEVELOPMENT
TRACT 7613 - CANNERY COURT
 CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

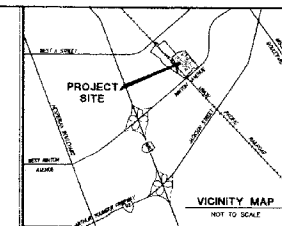
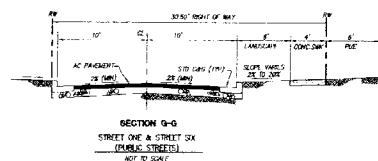
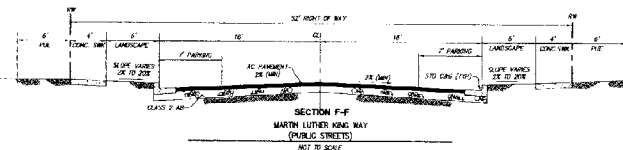
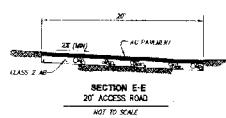
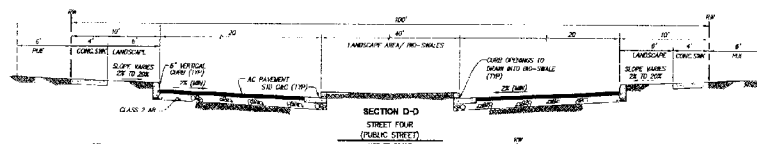
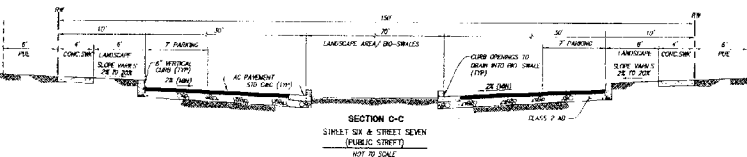
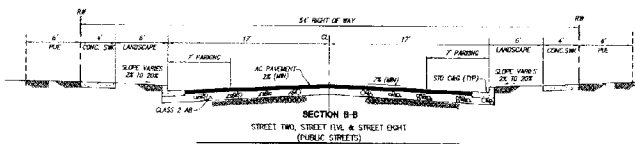
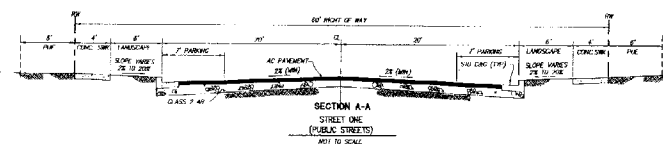
Ruggeri - Jensen & Associates
 1000 SHAW BLVD., SUITE 200, HAYWARD, CA 94541
 PHONE: (925) 242-1100 FAX: (925) 242-1100

NOTE:
 1. PROJECT BOUNDARY IS BASED ON THE PRELIMINARY TITLE REPORT DATED JANUARY 8, 2004 PREPARED BY TERRY TICE COMPANY.
 2. PROJECT SITE TOPOGRAPHY IS PROVIDED BY THE CITY OF HAYWARD.

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

[illegible]

LOCATION MAP



SHEET NO.	DESCRIPTION
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1	TITLE SHEET
2	PRELIMINARY GRADING PLAN
3	PRELIMINARY UTILITY PLAN
4	OFF-SITE UTILITY PLAN

GENERAL NOTES

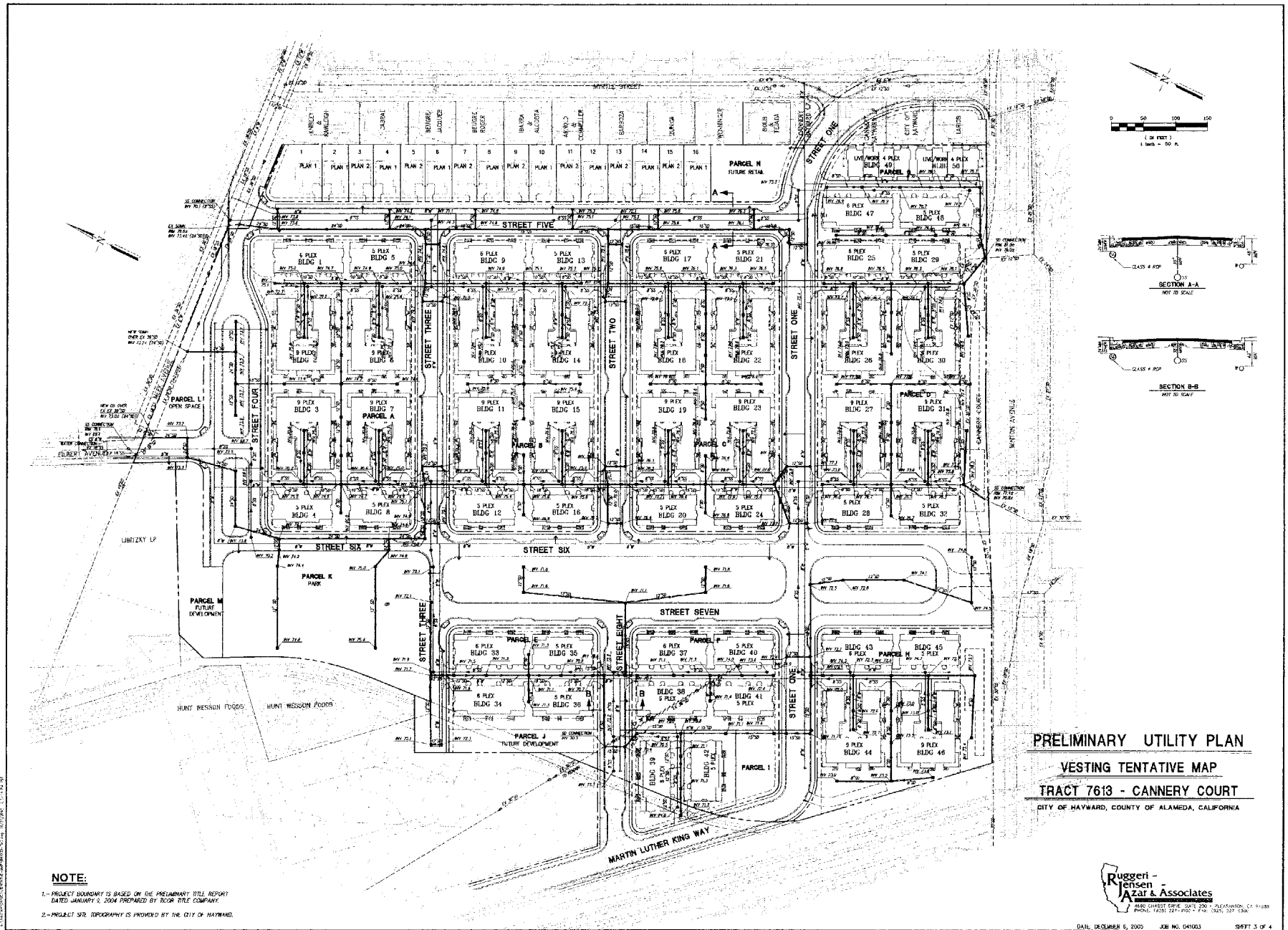
1. OWNER/DEVELOPER: TESCO COMPANIES
1250 W. STREET, SUITE 212
HAYWARD, CA 94504
PHONE: (510) 561-1501 FAX: (510) 727-4616
AND TELEFAX
2. CIVIL ENGINEER: HERRICK-ANDERSON & ASSOCIATES
HERO CONSULTING, INC. 2020 200
PULVER CIRCLE, SUITE 200
HAYWARD, CA 94504
PHONE: (510) 727-1050
FAX: (510) 727-1051
3. ASSessor's PARCEL NUMBER(S): 014-03-001-0000 (7/1 6/30/05)
4. EXISTING USE: WAREHOUSE
5. PROPOSED USE: BUSINESS
6. EXISTING ZONING: INDUSTRIAL
7. SITE AREA: 21.24 ACRES
8. PROPOSED ZONING: PLANNED DEVELOPMENT
9. MINIMUM LOT SIZE: SINGLE FAMILY LOT 1,600 S.F. X 120
10. TOTAL NUMBER OF PROPOSED UNITS:

SINGLE FAMILY HOMES	16
CONDOMINIUM HOMES	0
TOTAL	167
11. UTILITIES:

AGENCY PROVIDING SERVICE:	
WATER:	CITY OF HAYWARD
SEWAGE/SEWER:	CITY OF HAYWARD
STORM DRAIN:	CITY OF HAYWARD
GAS AND ELECTRIC:	PACIFIC GAS AND ELECTRIC
TELEPHONE:	QNO
CABLE TV:	COMCAST CABLE
WIRE PRESENCE:	CITY OF HAYWARD
12. ALL CONVERSION CONTROL MEASURES SHALL BE IN CONFORMANCE WITH THE ORDINANCES AND STANDARDS OF THE CITY OF HAYWARD.
13. PROJECT DOCUMENT IS BASED ON THE PRELIMINARY TITLE REPORT DATED JANUARY 9, 2004 PREPARED BY TROOR TITLE COMPANY.
14. PROJECT SITE TOPOGRAPHY IS PROVIDED BY THE CITY OF HAYWARD.
15. THE DEVELOPER IS TO FILE WITH THE FINAL MAPS AFTER APPROVAL OF



**Ruggeri -
Jensen -
Azar & Associates**
4690 CHARLOT DRIVE, SUITE 200
DUBLIN, CA 94568
(415) 337-1000



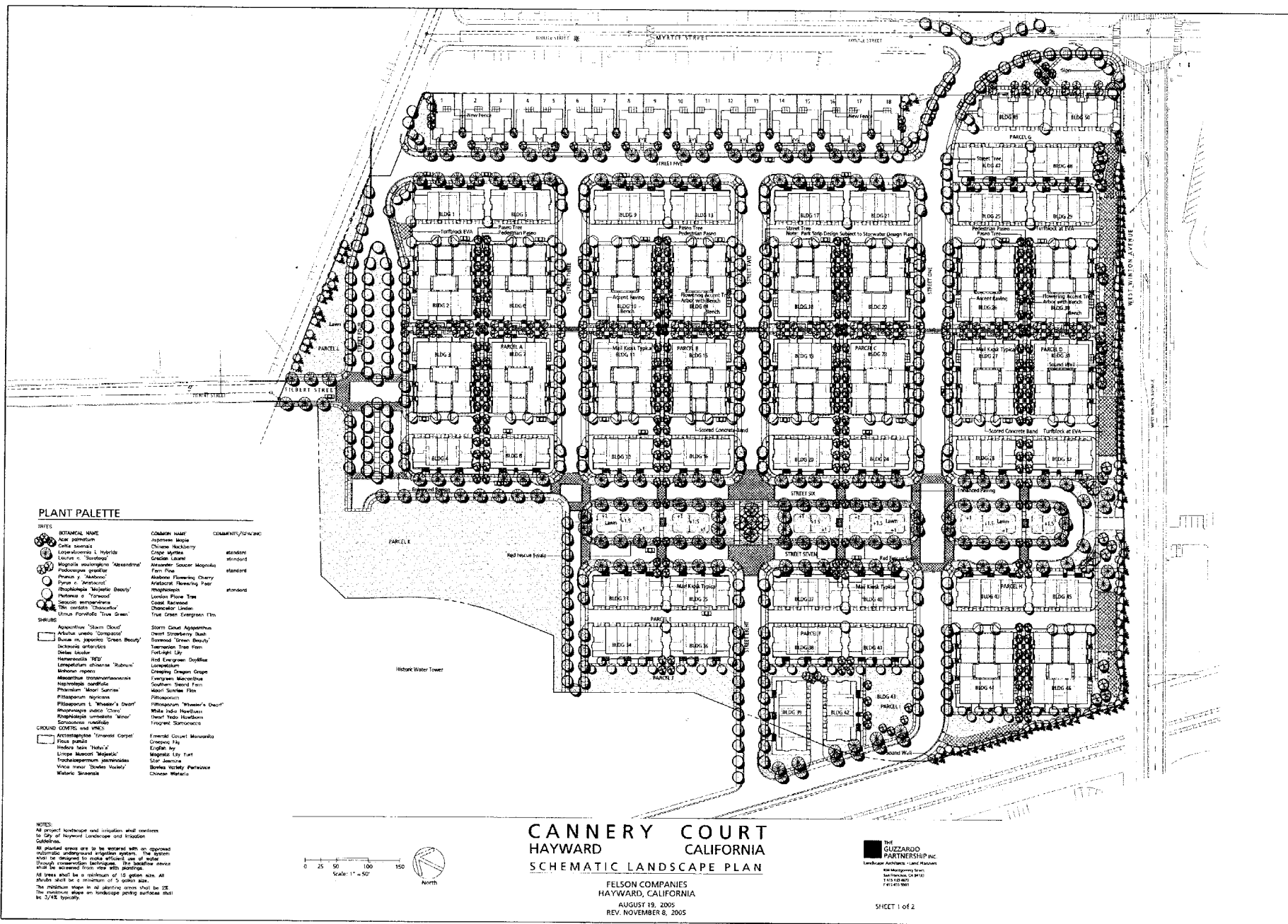


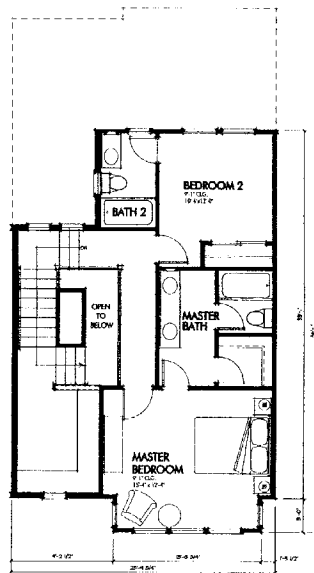
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2.- PROJECT SITE TOPOGRAPHY IS PROVIDED BY THE CITY OF HAYWARD

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

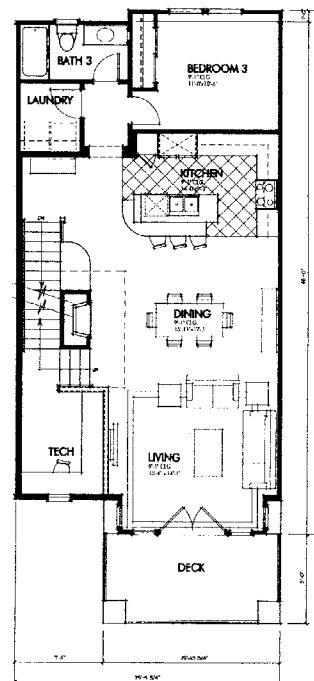
4690 CHASCO DRIVE, SUITE 202 • ATLANTA, GA 30326
PHONE: (404) 377-0000 • FAX: (404) 377-0100





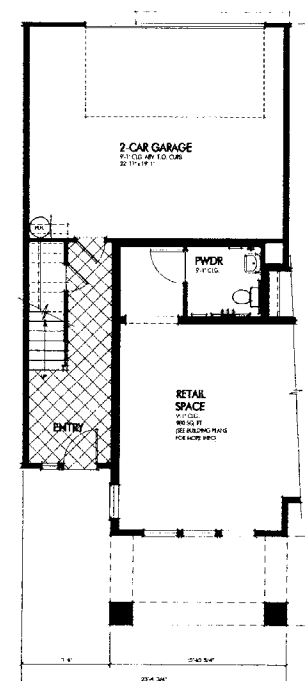
THIRD FLOOR PLAN

498 sq. ft.



SECOND FLOOR PLAN

1077 sq. ft.



FIRST FLOOR PLAN

1077 sq. ft.
TOTAL: 1760 sq. ft.
(SEE BUILDING PLANS FOR RETAIL SPACE (RWS))

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

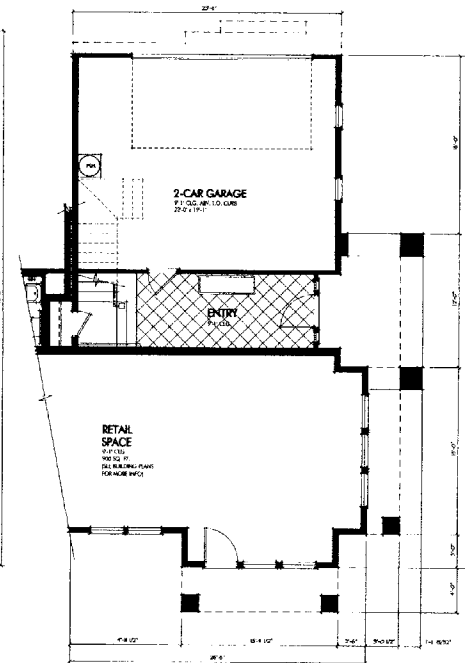
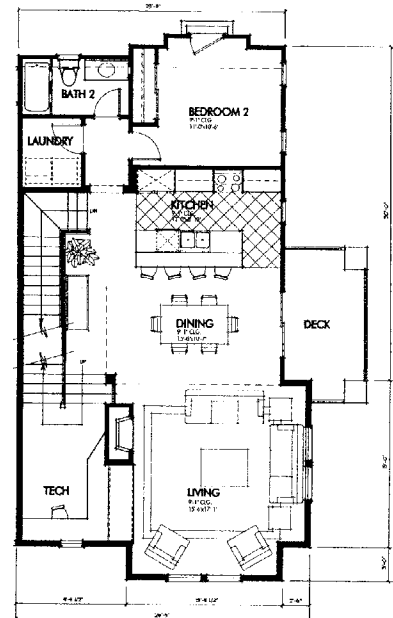
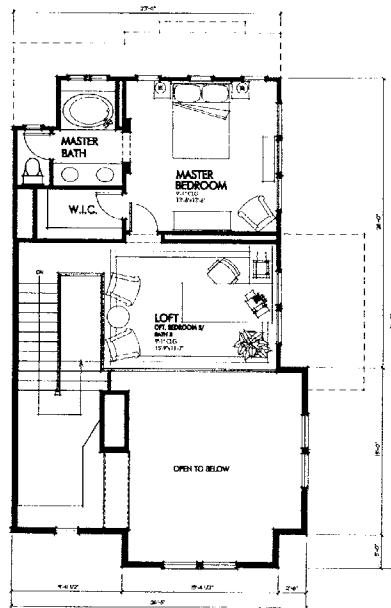
RESIDENTIAL/RETAIL
PLAN 1
FLOOR PLANS

0 4 8 16
SEPT/27/2005 Printed No.: 614.001

DAHLIN GROUP
ARCHITECTS

2471 Chino Canyon Rd.
San Ramon, CA 94583
925.877.8284
925.877.2540 Fax

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CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

RESIDENTIAL/RETAIL
PLAN 2
FLOOR PLANS

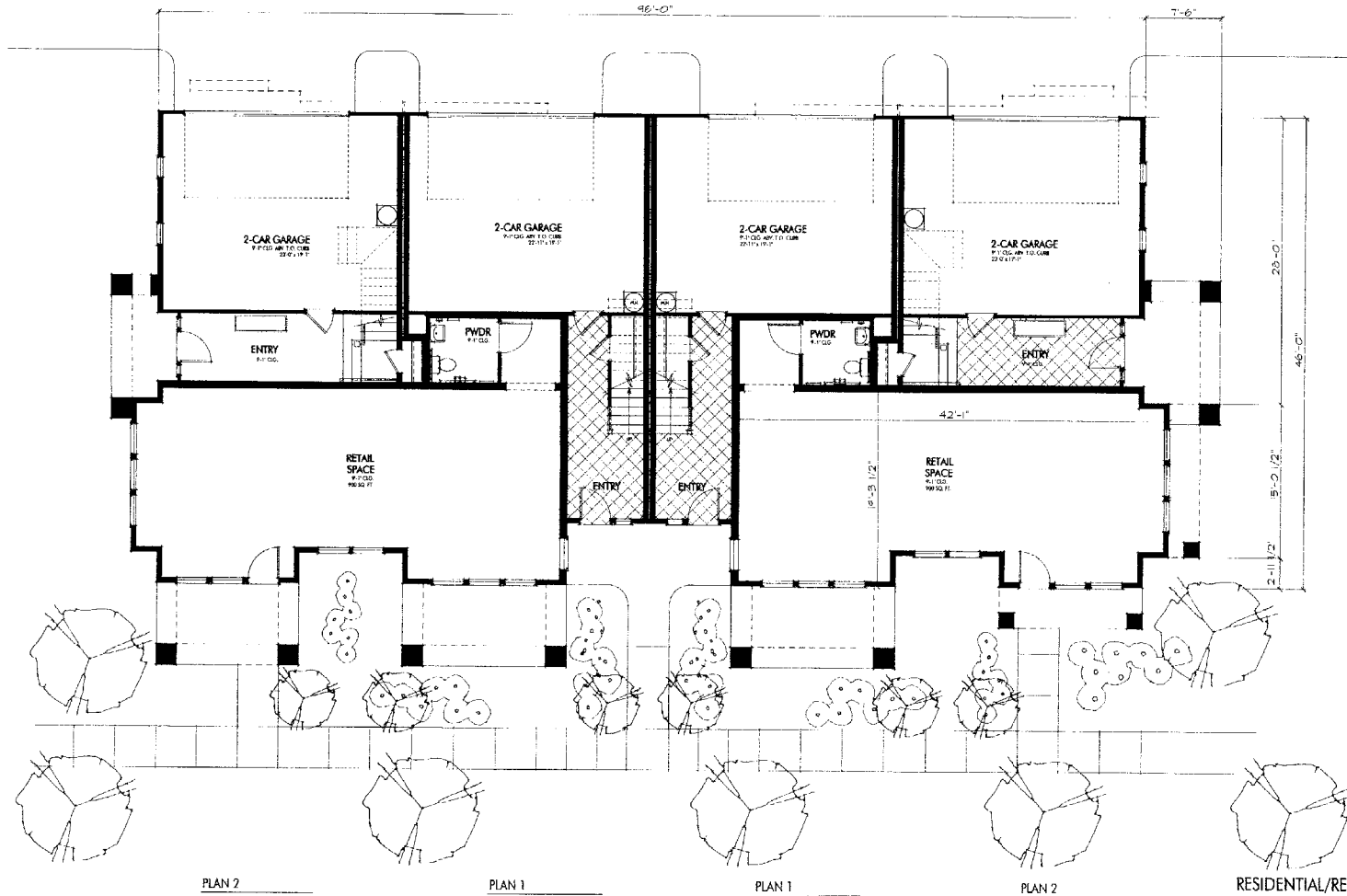
0 4 8 16
SEPTEMBER 27, 2005 Project No.: 614.001

DAHLIN GROUP
ARCHITECTS
235-231-2325

2471 Cramer Canyon Rd.
San Ramon, CA 94583
925.837.8284
925.837.2543 Fax

3/27/06 2:28 PM

A1.02



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

RESIDENTIAL/RETAIL
TYPICAL 4-PLEX
SITE/ GARAGE FLOOR PLAN

0 4 8 16
SEPTEMBER 27, 2005 Project No.: 014.001

DAHLIN GROUP
ARCHITECTS
P.C.

2671 Crow Canyon Rd.
San Ramon, CA 94583
925.837.5700
925.837.2543 Fax

007-A-2200

A1.03



PLAN 2

PLAN 1

PLAN 1

PLAN 2

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

RESIDENTIAL/RETAIL
TYPICAL 4-PLEX
FLOOR 2

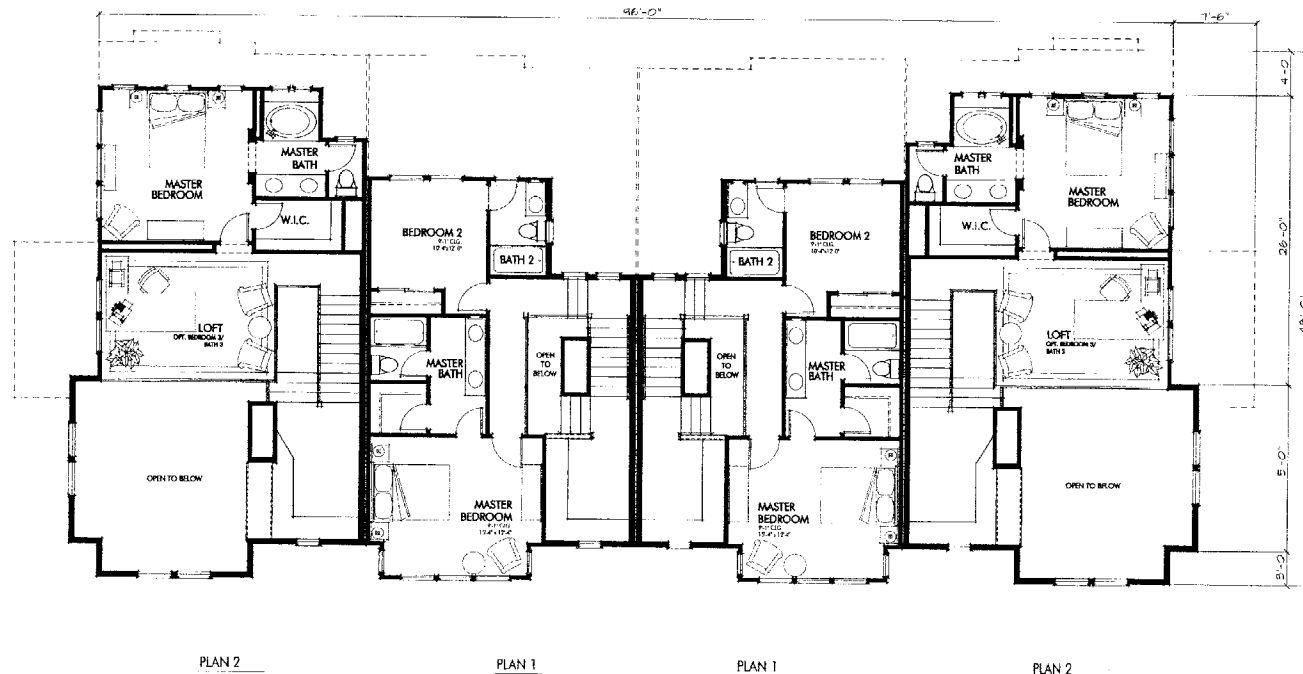
0 4 8 16

SEPTEMBER 27, 2005 Project No.: 614.001

DAHLIN GROUP
ARCHITECTURAL
PLANNING

3671 Crow Canyon Rd.
San Ramon, CA 94583
925.857.2500 FAX
925.857.2543 Fax

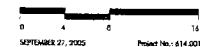
A1.04



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

RESIDENTIAL/RETAIL
TYPICAL 4-PLEX
FLOOR 3



DAHLIN GROUP
ARCHITECTS

2471 Corner Canyon Rd.
San Ramon, CA 94583
925.837.8200
925.837.2543 Fax

10/4/2005

A1.05



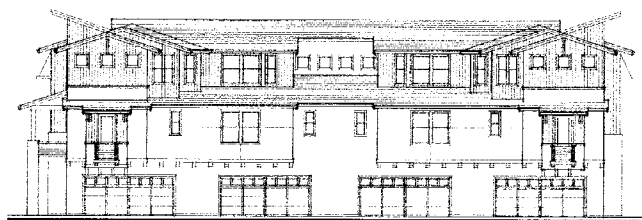
PLAN 2

PLAN 1

PLAN 1

PLAN 2

STREET ELEVATION - ELEVATION "B"



TYPICAL REAR ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

LIVE/WORK
HOMES
ELEVATIONS



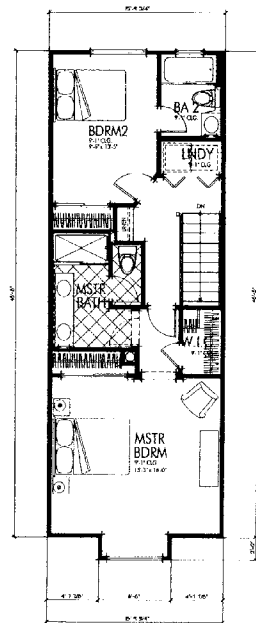
ARCHITECT: FELSON COMPANIES PROJECT NO.: 01-0101

DAHLIN GROUP

2571 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8266
925.837.2549 fax

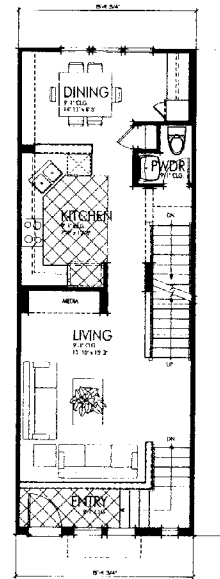
001-25-001

A1.06



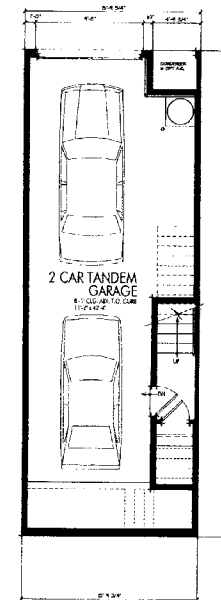
SECOND FLOOR PLAN

652 sq. ft.



FIRST FLOOR PLAN

687 sq. ft.



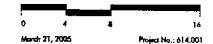
SITE/GARAGE FLOOR PLAN

98 sq. ft.
Total: 1437 sq. ft.
Garage: 598 sq. ft.

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

ROWHOMES
PLAN 1



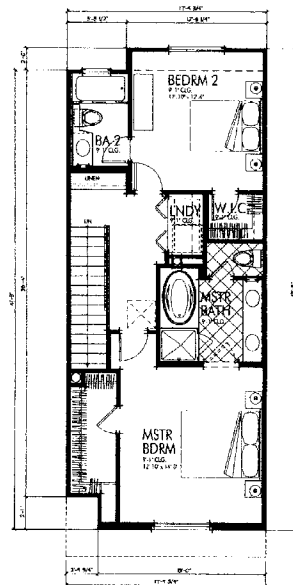
March 21, 2005 Project No.: 014.001

DAHLIN GROUP

2871 Crows Canyon Rd.
San Ramon, CA 94583
925.837.8386
925.837.7543 Fax

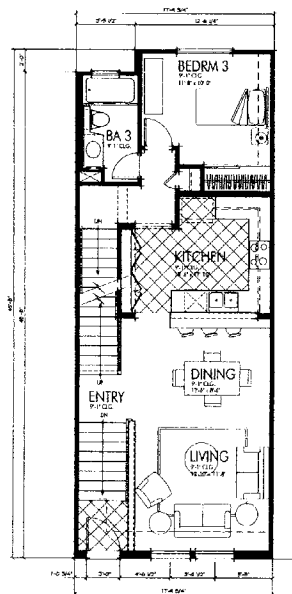
5.1.2.2 Rev.

A2.01



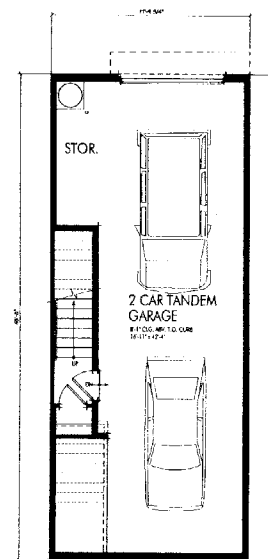
SECOND FLOOR PLAN

706 sq. ft.



FIRST FLOOR PLAN

796 sq. ft.



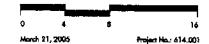
SITE/GARAGE FLOOR PLAN

34 sq. ft.
Total: 1536 sq. ft.
Garage: 493 sq. ft.

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

ROWHOMES
PLAN 2



March 21, 2005

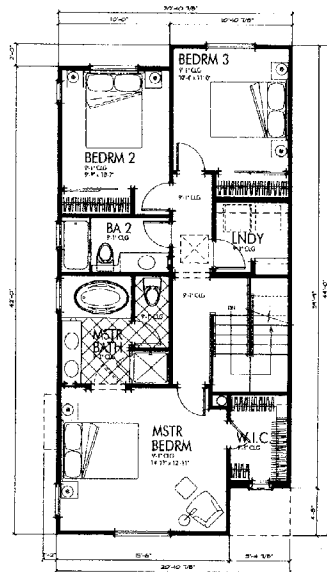
Project No.: 614.001

DAHLIN GROUP
ARCHITECTS

2671 Clay Canyon Rd.
San Ramon, CA 94583
925.837.8996
925.837.2543 Fax

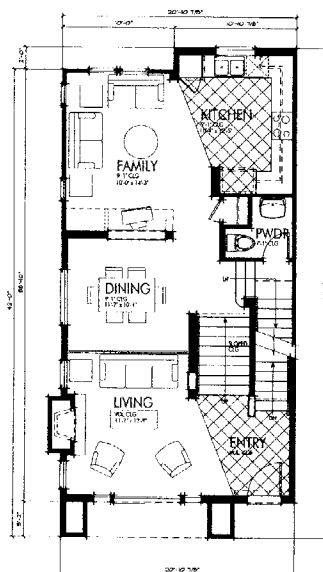
WCF 4.3 (05)

A2.02



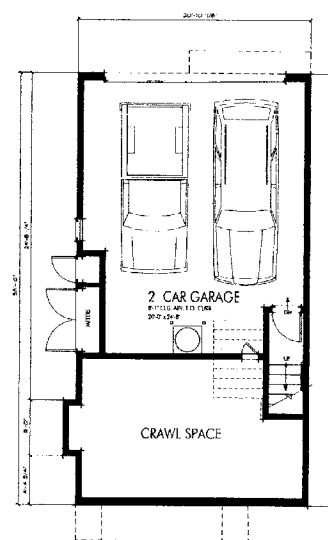
SECOND FLOOR PLAN

839 sq. ft.



FIRST FLOOR PLAN

827 sq. ft.



SITE/GARAGE FLOOR PLAN

81 sq. ft.
Total: 1747 sq. ft.
Garage: 683 sq. ft.

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

ROWHOMES
PLAN 3



March 21, 2005

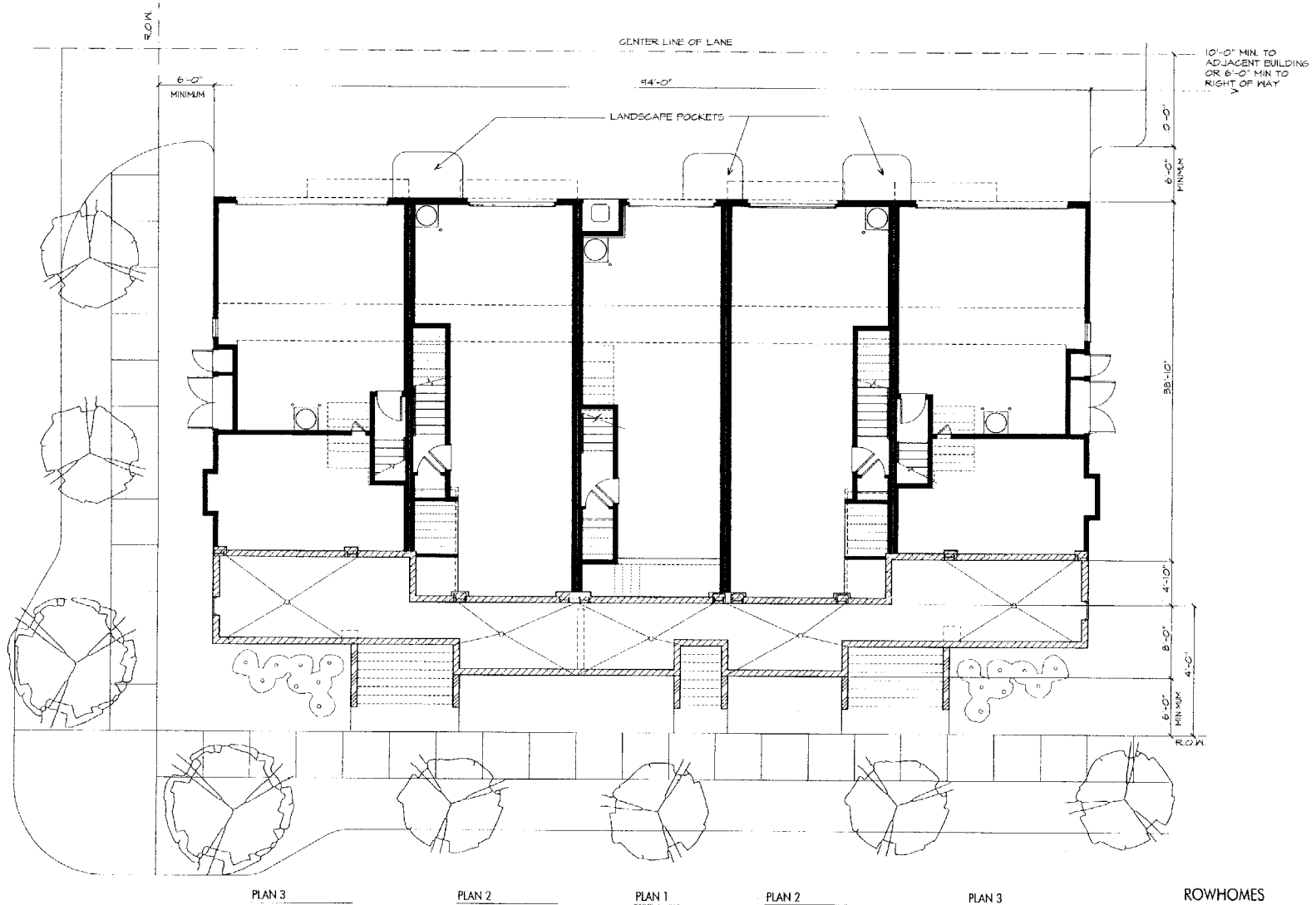
Project No.: 614.001

DAHLIN GROUP
PLANNING

2611 Green Canyon Rd.
San Ramon, CA 94583
925.827.8586
925.827.2243 Fax

04/17/05

A2.03



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

ROWHOMES
TYPICAL S-FLEX
SITE/ GARAGE FLOOR PLAN

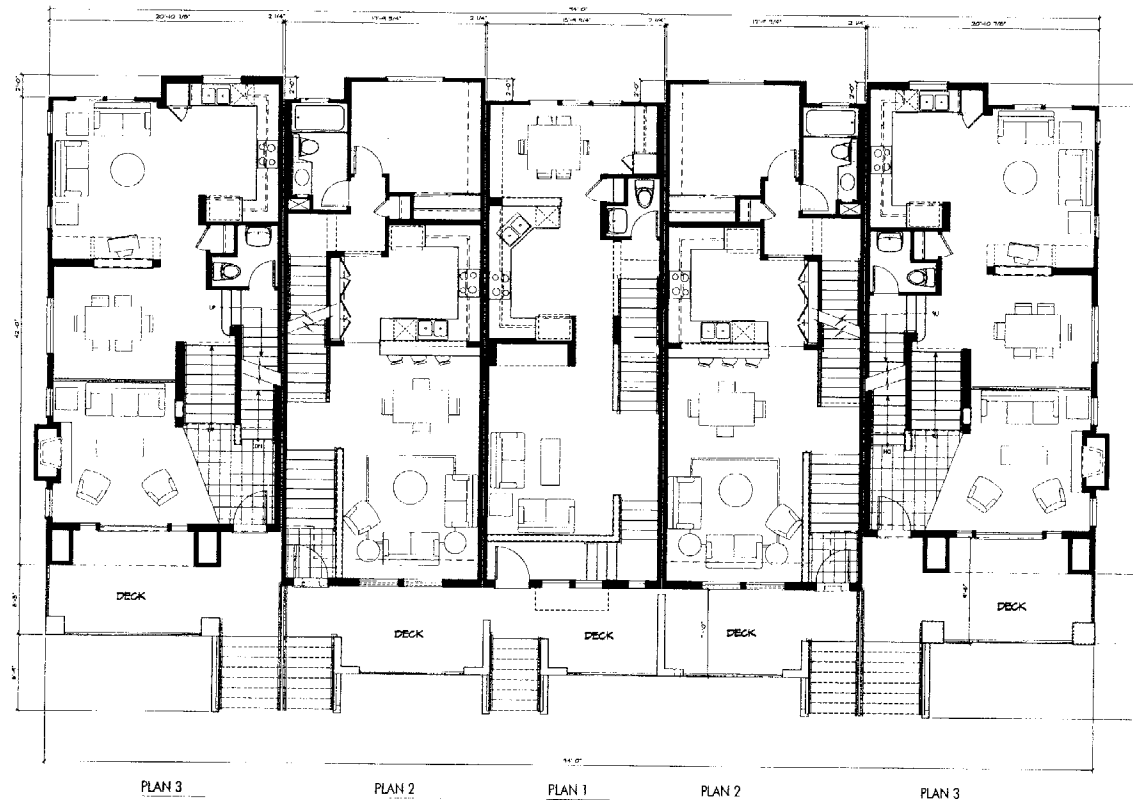
March 31, 2005 Project No.: 614.001

DAHLIN GROUP
ARCHITECTS
P.L.L.C.

2471 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8386
925.837.2543 fax

2/2/05

A2.04



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

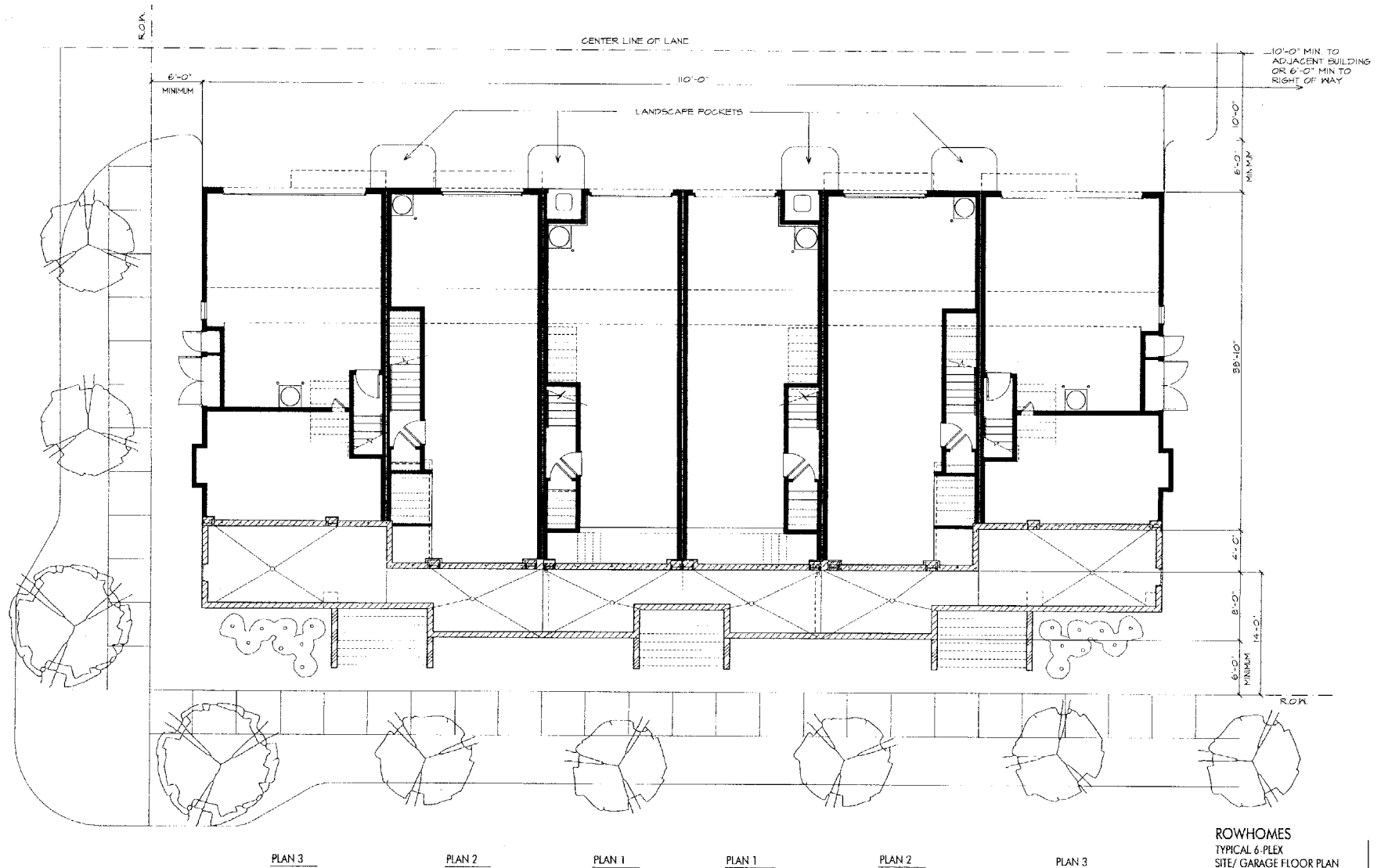
ROWHOMES
TYPICAL 5-PLEX
FLOOR 1

March 21, 2003 Project No. 614.001

DAHLIN GROUP
ARCHITECTS

3271 Civic Center
San Ramon, CA 94583
925.817.8700
925.817.2543 Fax

A2.05



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

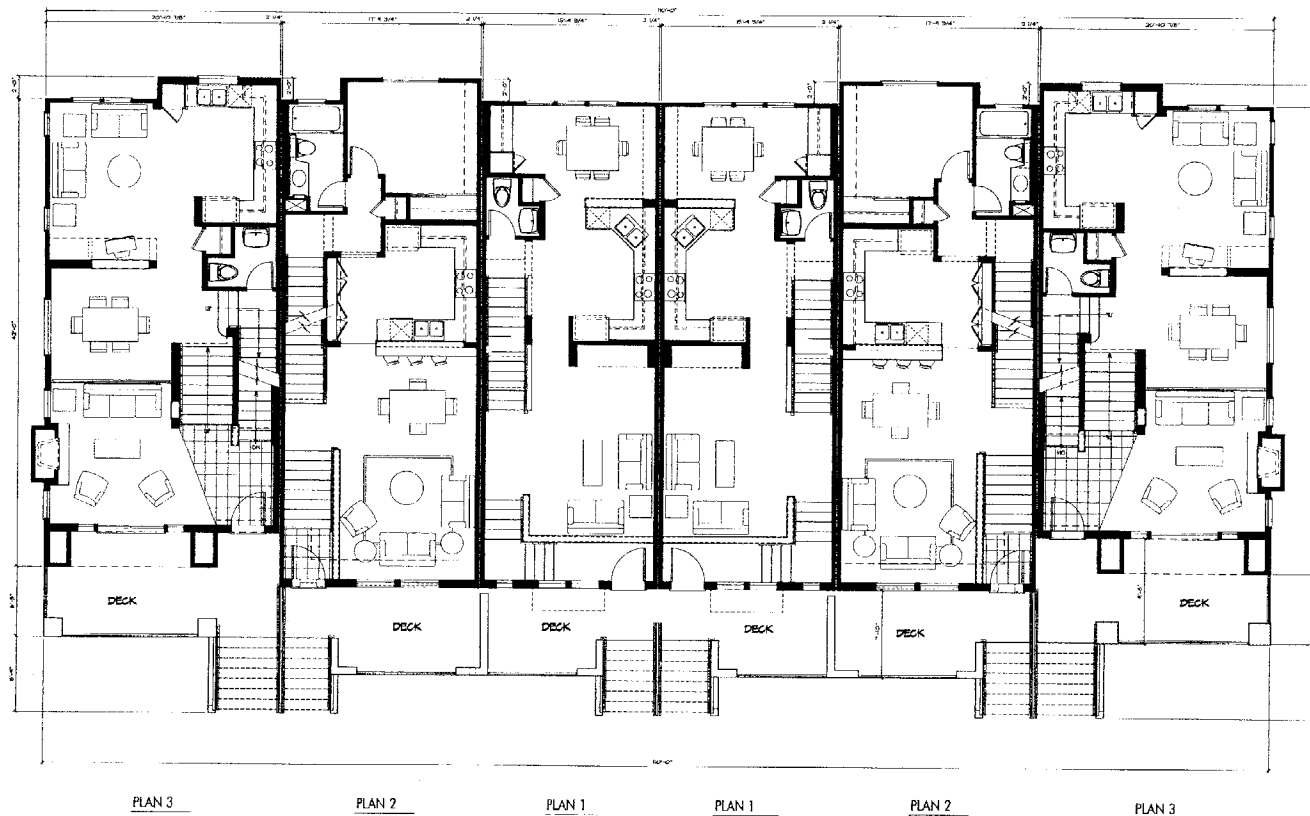
ROWHOMES
TYPICAL 6-PLEX
SITE/ GARAGE FLOOR PLAN

0 4 8 16
March 21, 2005 Project No. 614.001

DAHLIN GROUP
ARCHITECTS

2471 Crow Canyon Rd.
San Bruno, CA 94063
725.837.0200
725.837.0543 Fax

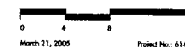
7/21/05 RLB
A2.07



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

ROWHOMES
TYPICAL 6-PLEX
FLOOR 1

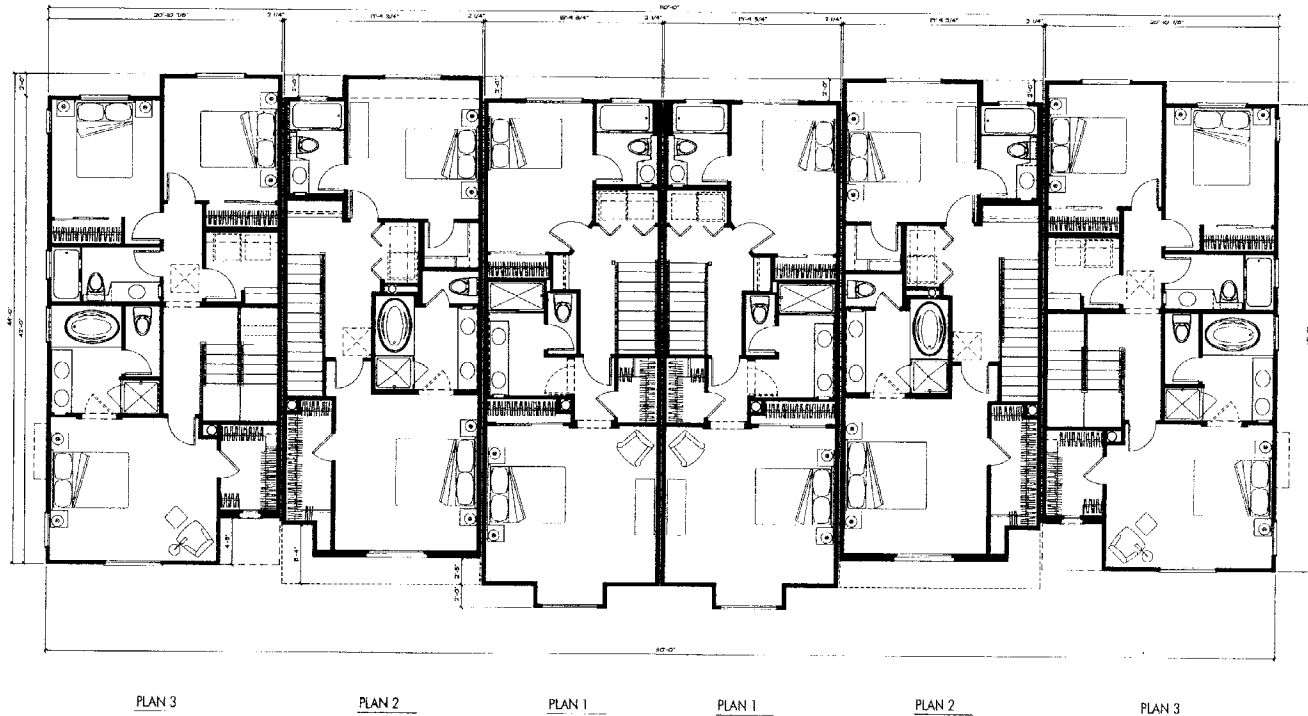


March 21, 2005 Project No.: 614.001

DAHLIN GROUP
ARCHITECTS
INTERIORS

3477 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8286
925.837.2542 Fax

A2.08



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

ROWHOMES
TYPICAL 6-PLEX
FLOOR 2

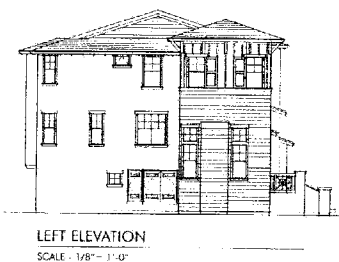
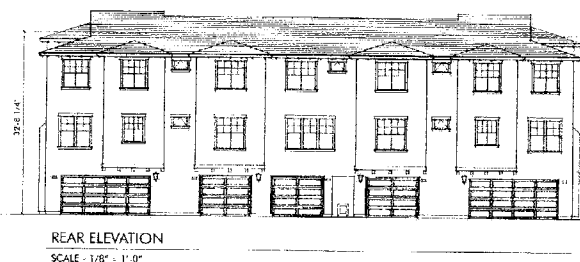
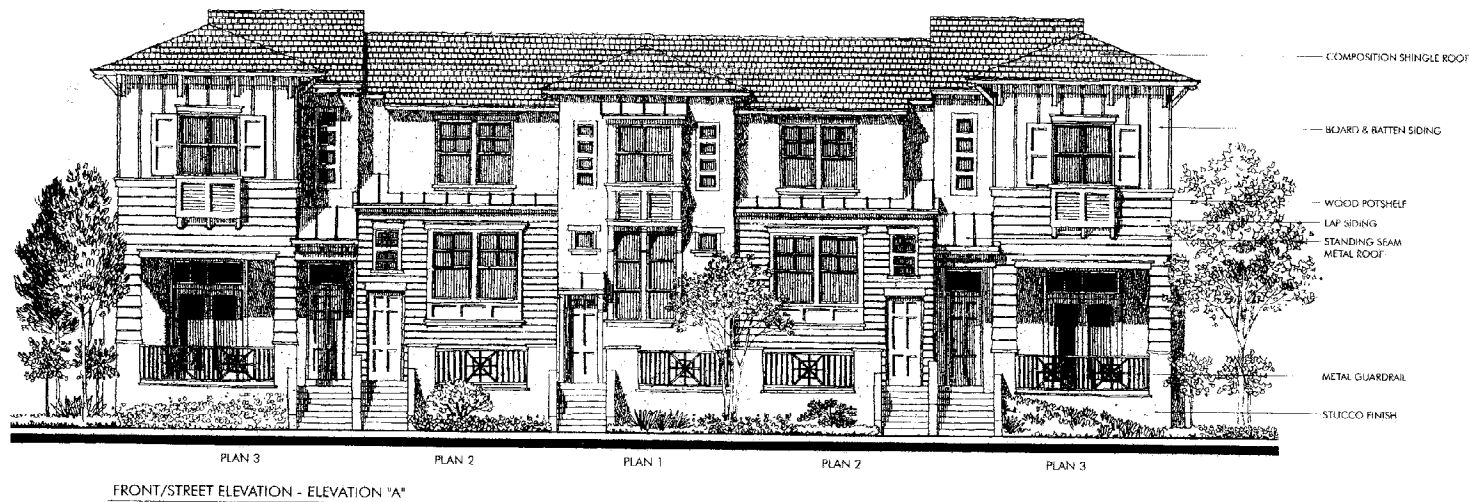


DAHLIN GROUP
ARCHITECTS

2611 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8200
925.837.2542 Fax

REV. 2.9.05

A2.09



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

ROWHOMES
ELEVATIONS
TYPICAL 5-PLEX

0 4 8 16

MARCH 21, 2005 Project No.: 614-001

DAHLIN GROUP

2871 Clay Canyon Rd.
San Ramon, CA 94583
925.837.8285
925.837.2945 fax



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

ROWHOMES
ELEVATIONS
TYPICAL 5-PLEX

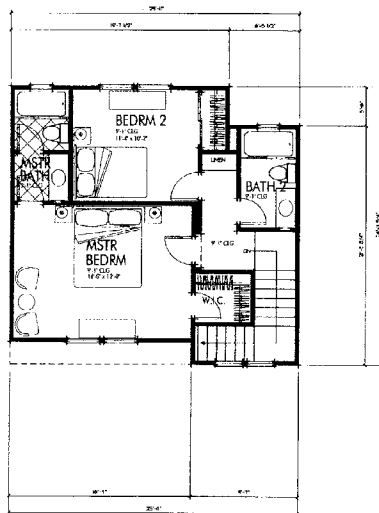
0 4 8 16
MARCH 21, 2016 Project No: 014.001

DAHLIN GROUP
ARCHITECTS

2671 Cannery Court Rd
San Ramon, CA 94583
925.837.8266
725.837.2443 Fax

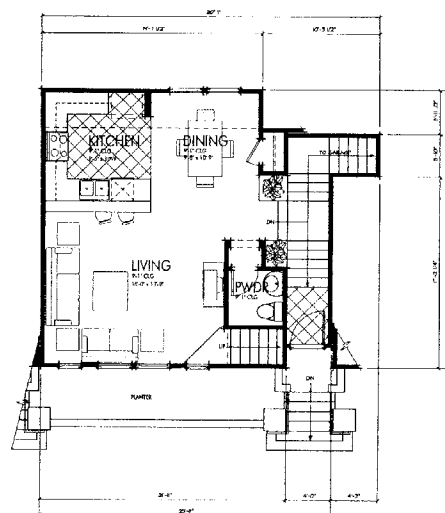
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A2.11



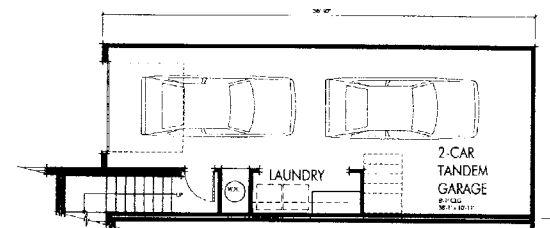
SECOND FLOOR PLAN

580 sq. ft.



FIRST FLOOR PLAN

594 sq. ft.



SITE/GARAGE FLOOR PLAN



127 sq. ft.
Total: 1301 sq. ft.
Garage: 498 sq. ft.

COURT HOMES
PLAN 1



March 21, 2005 Project No. 614.001

DAHLIN GROUP

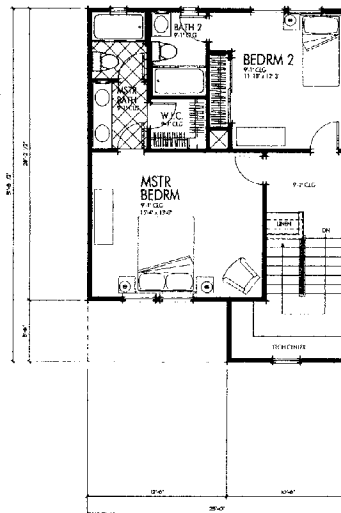
2871 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8238
925.837.2543 Fax

001 2-1 2005

A3.01

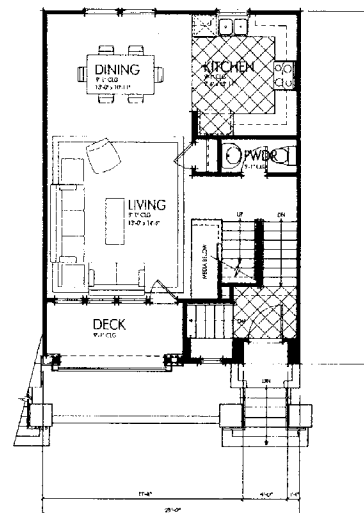
CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA



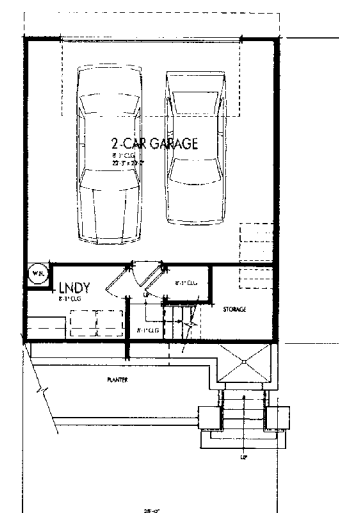
SECOND FLOOR PLAN

645 sq. ft.



FIRST FLOOR PLAN

653 sq. ft.



SITE/GARAGE FLOOR PLAN



102 sq. ft.
Total: 1400 sq. ft.
Garage: 472 sq. ft.

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

COURT HOMES
PLAN 2

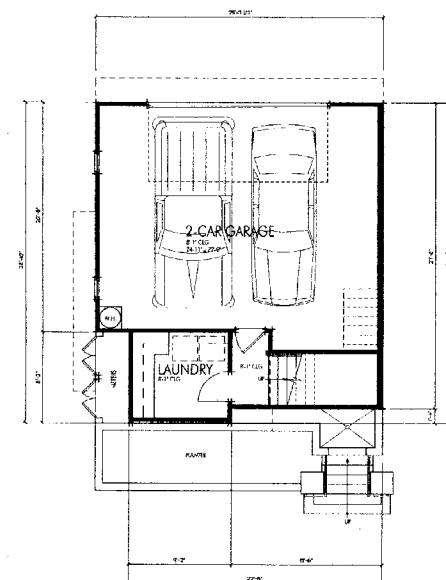
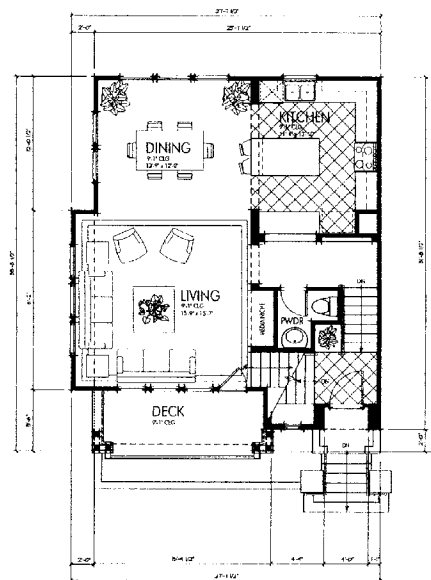
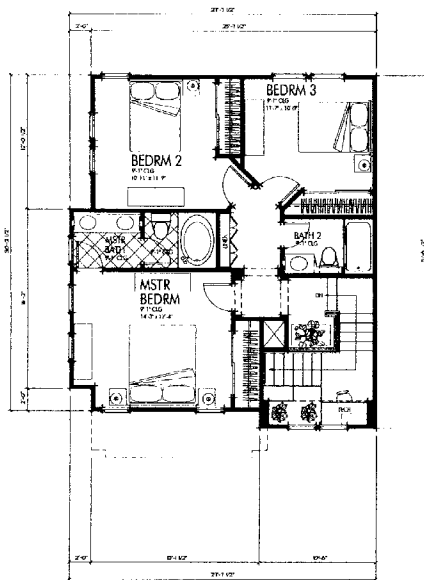


March 21, 2005 Project No.: 614-001

DAHLIN GROUP
ARCHITECTS
3871 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8286
925.837.2543 Fax

002 P.1 of 2

A3.02



CANNERY COURT
FELSON COMPANIES

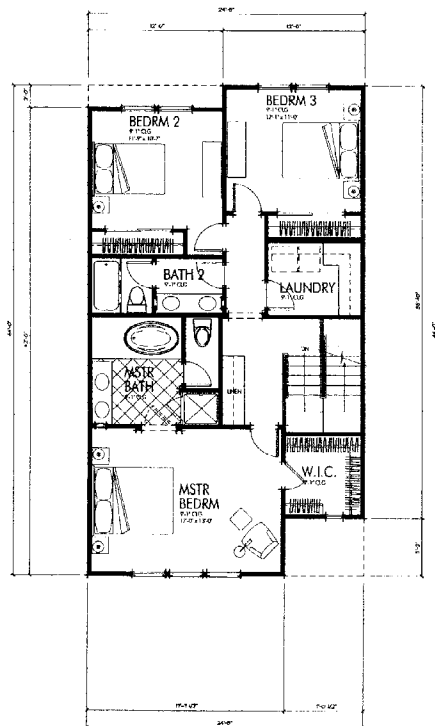
HAYWARD, CALIFORNIA

COURT HOMES
PLAN 3



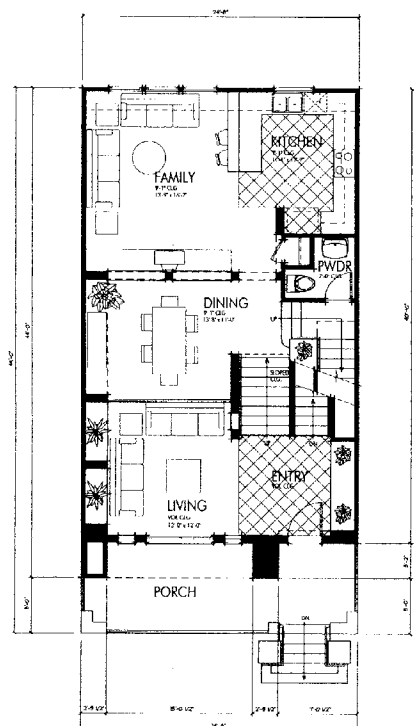
2671 Crow Canyon Rd.
San Ramon, CA 94583
925.577.1800 925.577.2543 Fax 925.577.2543

A3.03



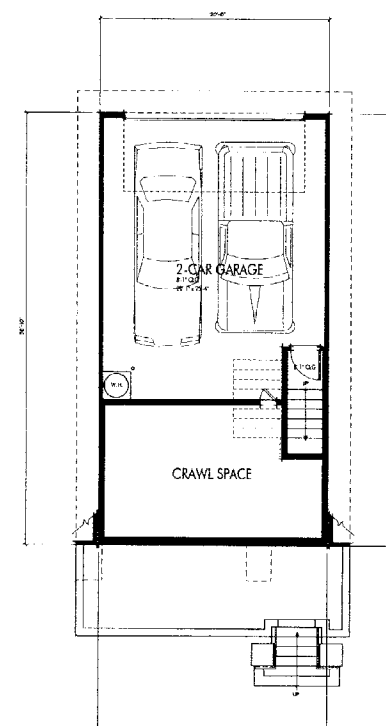
SECOND FLOOR PLAN

1025 sq. ft.



FIRST FLOOR PLAN

992 sq. ft.



SITE/GARAGE FLOOR PLAN



20 sq. ft.
Total: 2037 sq. ft.
Garage: 512 sq. ft.

COURT HOMES
PLAN 4

0 4 8 16
March 21, 2005 Project No.: 614.001

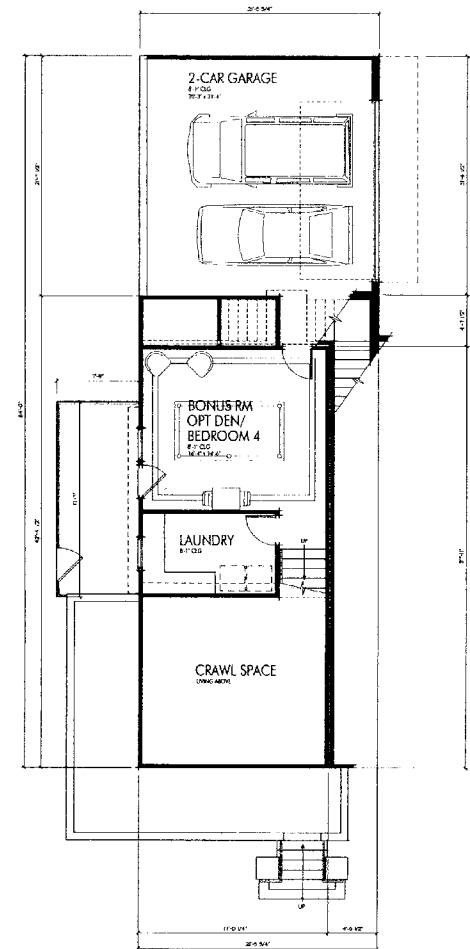
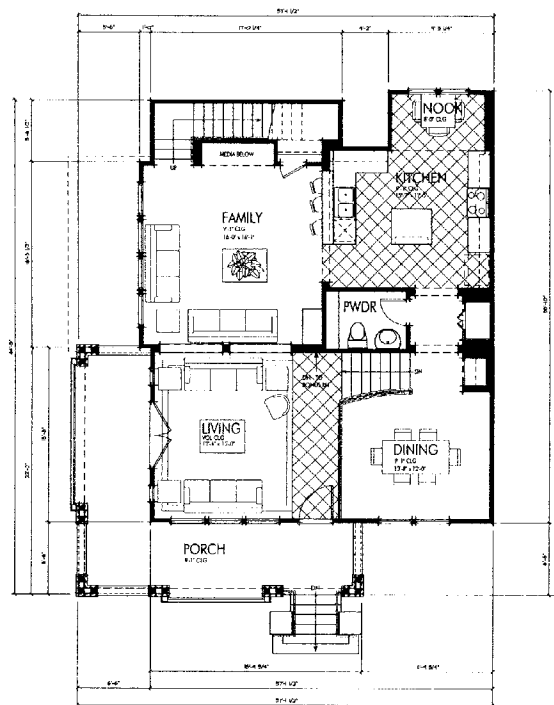
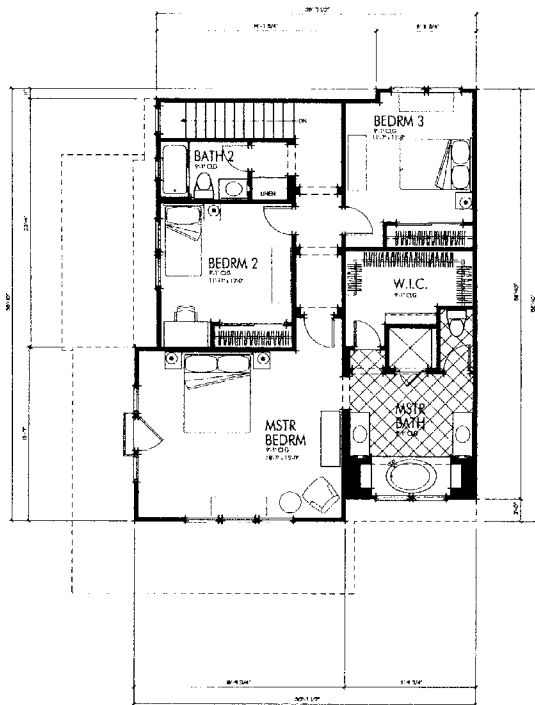
DAHLIN GROUP
ARCHITECTS

2671 Center Campus Rd.
San Ramon, CA 94583
925.837.5296
925.837.2543 Fax

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

A3.04



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

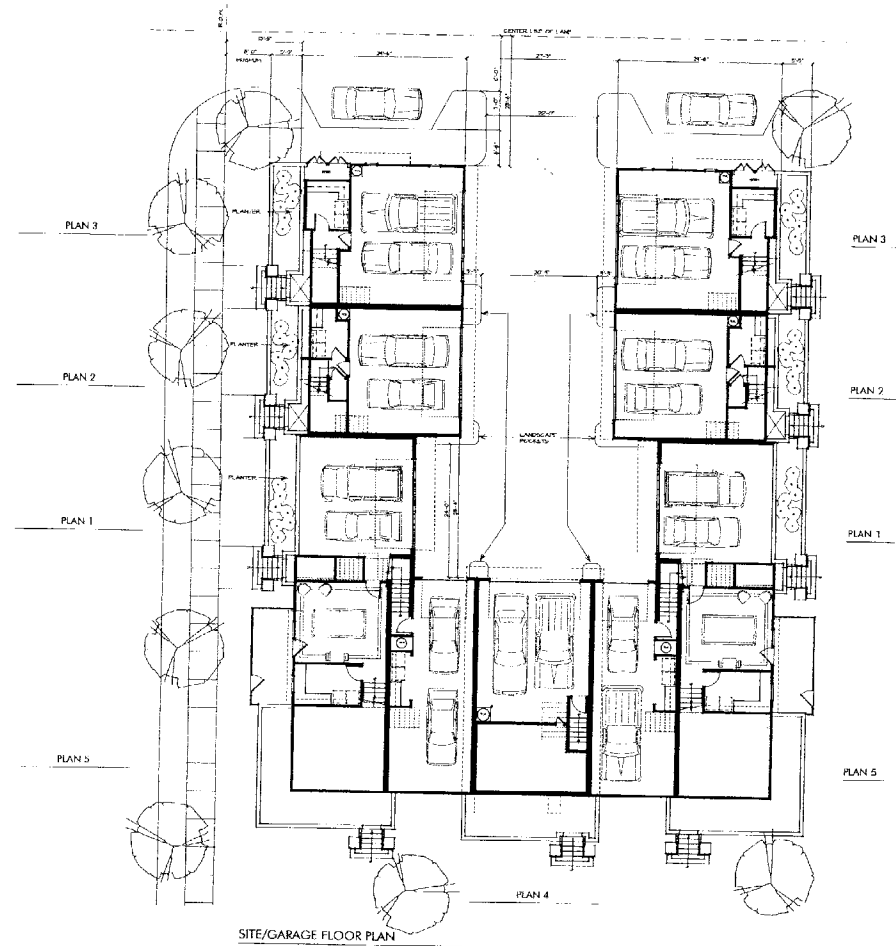
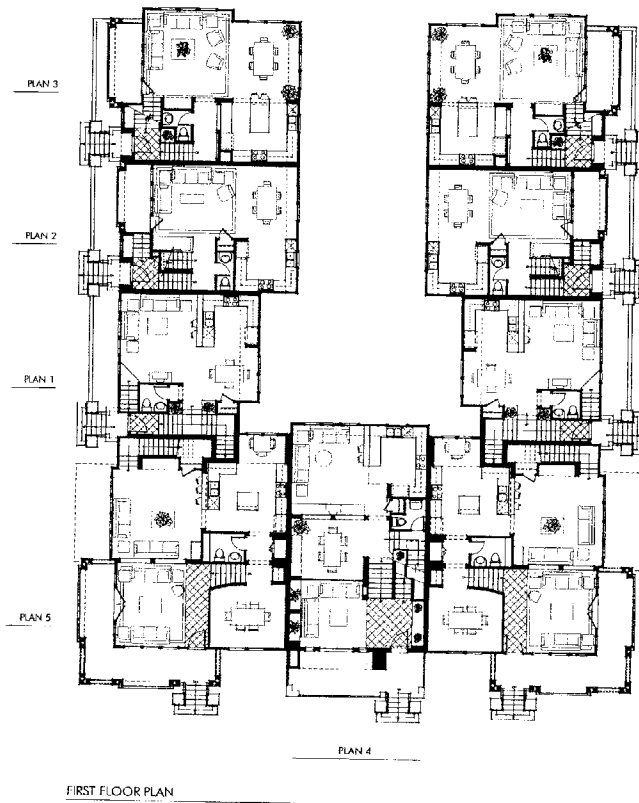
COURT HOMES
PLAN 5

March 21, 2005 Project No.: 014.001

DAHLIN GROUP

2871 Crow Canyon Rd.
San Ramon, CA 94583
925.857.8296
925.857.2540 Fax

A3.05



CANNERY COURT FELSON COMPANIES

HAYWARD, CALIFORNIA

COURT HOMES
9-PLEX, TYPICAL

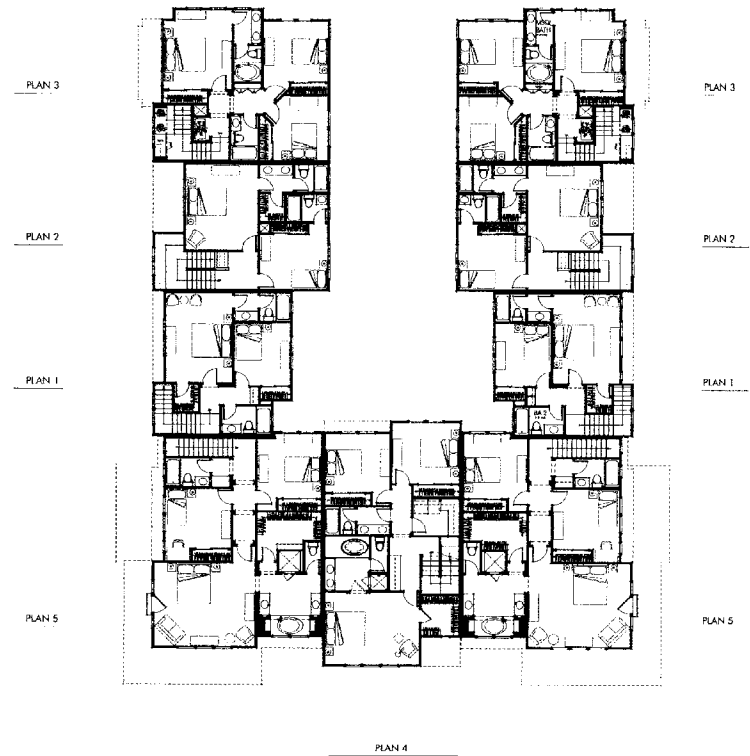
0 8 16 32
March 21, 2005 Project No. 614.001

DAHLIN GROUP
ARCHITECTS

3673 Court Greene St.
San Ramon, CA 94583
925.837.8200
925.837.2543 Fax 925.837.2543

8/1/2005

A3.06



SECOND FLOOR PLAN

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

COURT HOMES
9-PLEX, TYPICAL

0 8 16 32
March 21, 2005 Project No.: 614.001

DAHLIN GROUP
ARCHITECTS

34771 Court Canyon Rd.
San Ramon, CA 94583
925.837.8266
925.837.2543 Fax

05/04/05

A3.07



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

COURT HOMES
ELEVATIONS

0 4 8 16
MARCH 21, 2005 Project No. 014-001

DAHLIN GROUP
ARCHITECTS

21571 Camino Chaboso #21
San Ramon, CA 94583
925.677.8280
925.677.2942 fax

A3.08



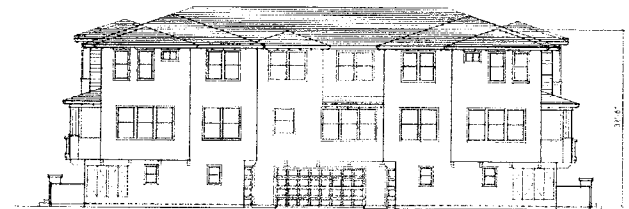
PASEO ELEVATION - ELEVATION "A"



FRONT COURT ELEVATION
SCALE - 1/8" = 1'-0"



LEFT/ RIGHT COURT ELEVATION
SCALE - 1/8" = 1'-0"



REAR ELEVATION
SCALE - 1/8" = 1'-0"

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

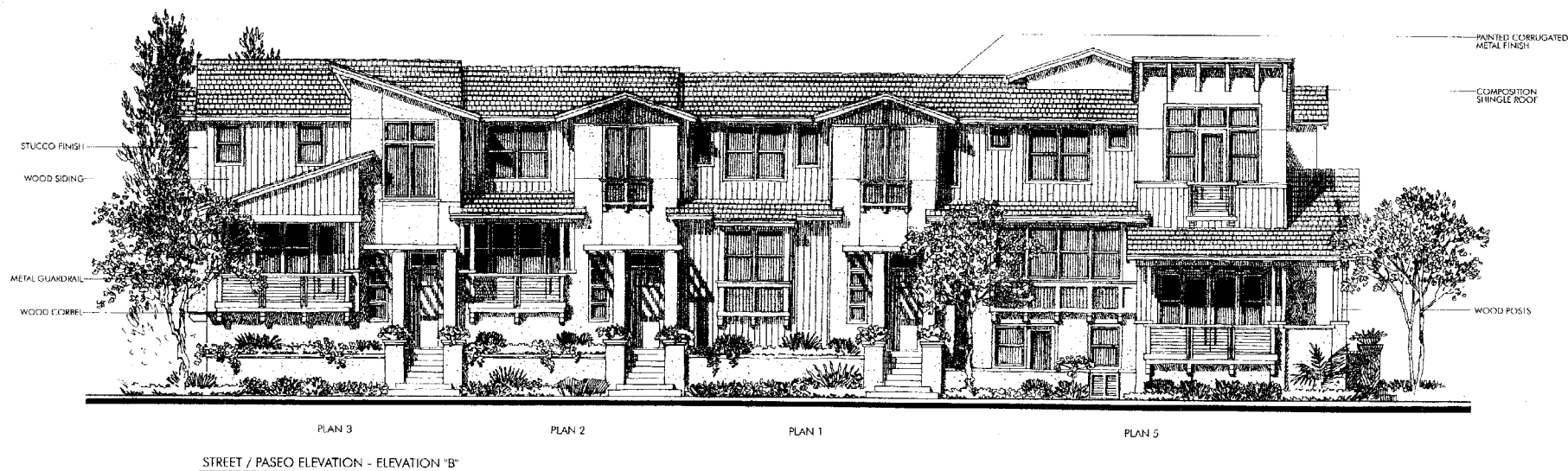
COURT HOMES
ELEVATIONS

0 4 8 16
March 21, 2005 Project No.: 014.000

DAHLIN GROUP
ARCHITECTS

2673 Crow Canyon Rd.
San Jose, CA 95131
925.837.8386
925.837.2513 Fax

A3.09



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

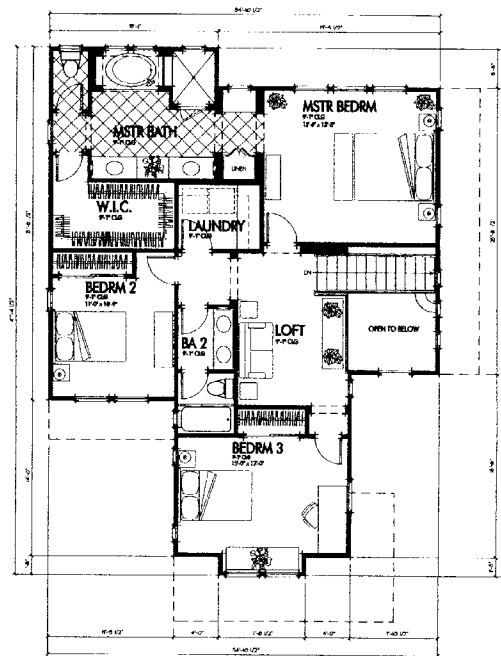
**COURT HOMES
ELEVATIONS**

0 1 2 3 4 5 6 7 8 9 10
MARCH 21, 2005 Project No. 014-001

DAHLIN GROUP
ARCHITECTS

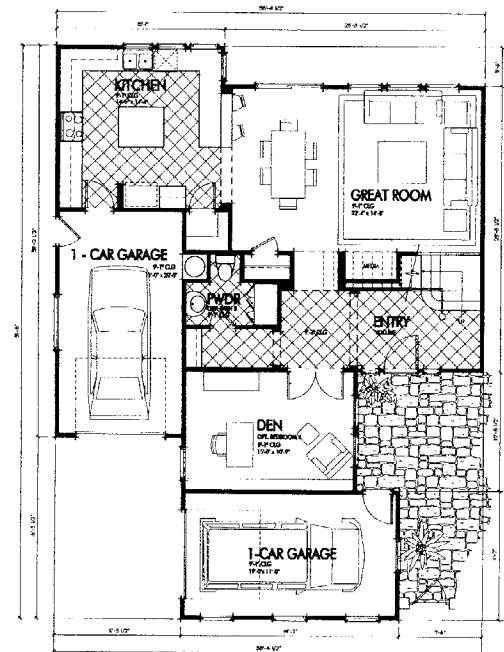
2875 Court Companies Rd.
San Ramon, CA 94583
925.837.8286
925.837.7543 fax

A3.10



SECOND FLOOR PLAN

1156 sq. ft.



FIRST FLOOR PLAN

1046 sq. ft.
Total: 2202 sq. ft.
Garage: 451 sq. ft.

CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

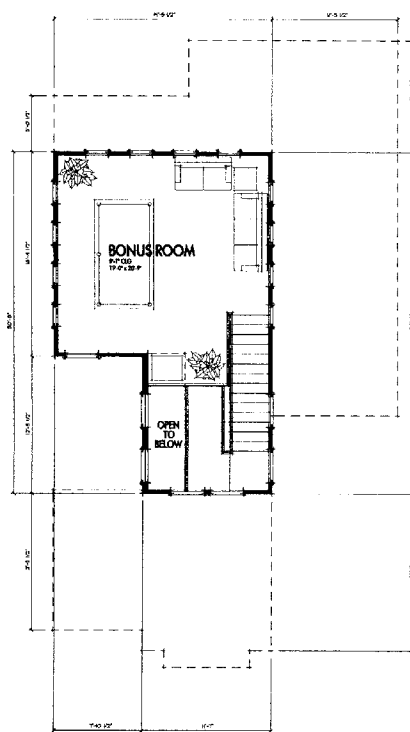
DUET
TOWNHOMES
PLAN 1

0 4 8 16
SEPT/2000 Project No: 614.001

DAHIN GROUP
ARCHITECTS

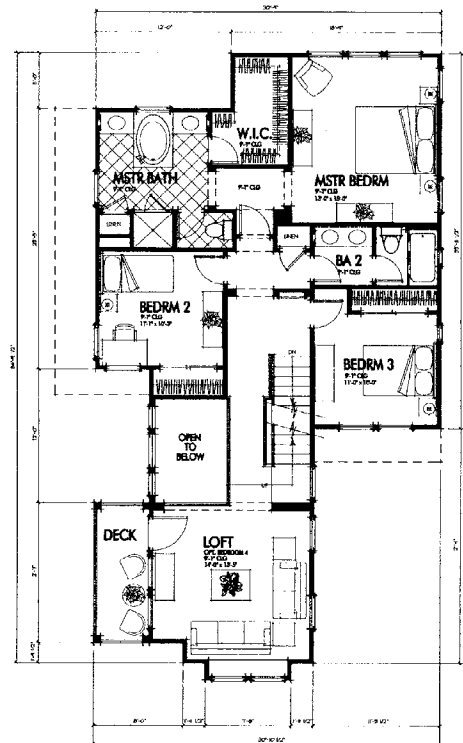
2471 Crown Company Rd.
San Ramon, CA 94583
925.837.4280
925.837.2543 Fax

A4.01



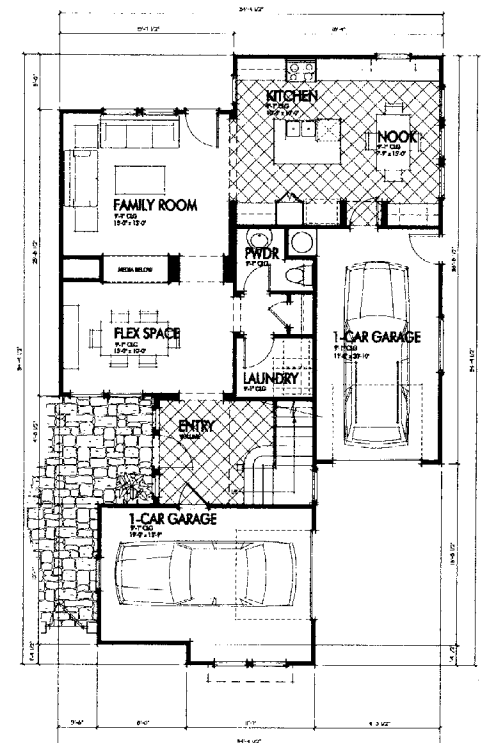
THIRD FLOOR PLAN

378 sq. ft.



SECOND FLOOR PLAN

1167 sq. ft.



FIRST FLOOR PLAN

946 sq. ft.
Total: 2491 sq. ft.
Garage: 509 sq. ft.

CANNERY COURT

FELSON COMPANIES

HAYWARD, CALIFORNIA

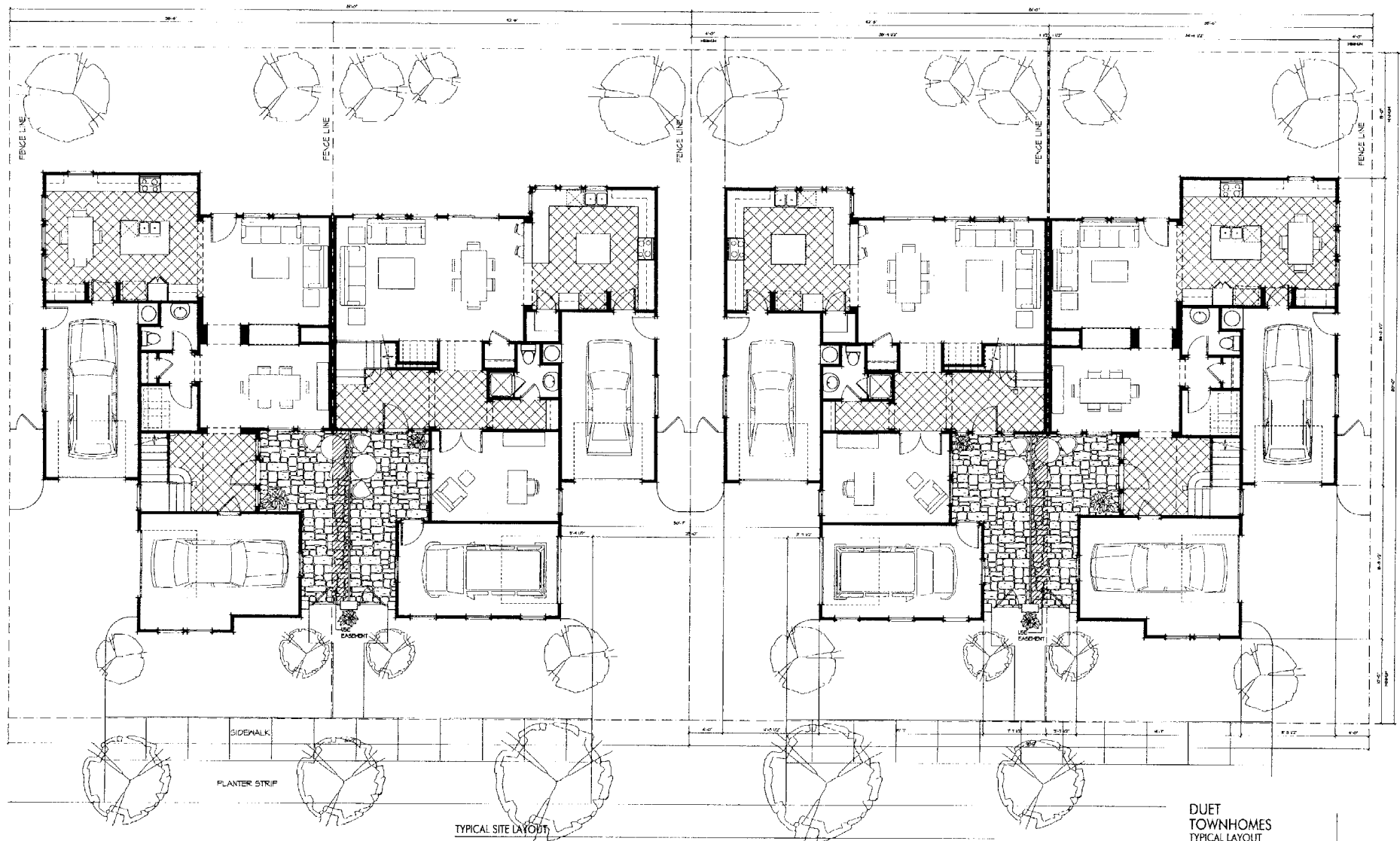
DUET
TOWNHOMES
PLAN 2

0 4 8 16
SEPTEMBER 27, 2005 Project No. 614.001

DAHLIN GROUP

2671 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8286
925.837.2543 Fax

A4.02



CANNERY COURT
FELSON COMPANIES

HAYWARD, CALIFORNIA

**DUET
 TOWNHOMES
 TYPICAL LAYOUT**

0 5 10 20
 SEPTEMBER 27, 2005 Project No.: 014.001

DAHLIN GROUP
 ARCHITECTS

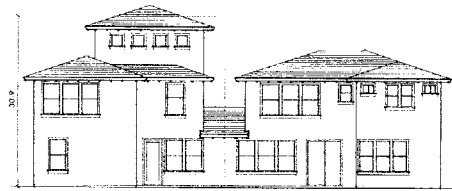
2671 Cowi Company Rd.
 San Ramon, CA 94583
 925.837.8206
 925.837.2043 Fax

VEL 25.00

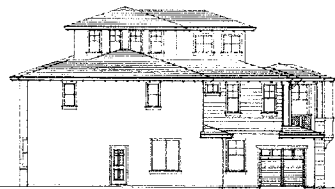
A4.03



RIGHT ELEVATION
SCALE - 1/8" = 1'-0"



REAR ELEVATION
SCALE - 1/8" = 1'-0"

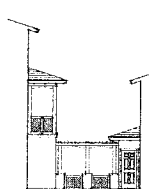


LEFT ELEVATION
SCALE - 1/8" = 1'-0"

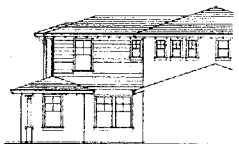
SIDE/REAR ELEVATIONS ▲ ▼ COURTYARD ELEVATIONS



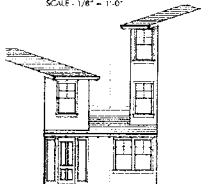
RIGHT ELEVATION
SCALE - 1/8" = 1'-0"



REAR ELEVATION
SCALE - 1/8" = 1'-0"



LEFT ELEVATION
SCALE - 1/8" = 1'-0"



FRONT ELEVATION
SCALE - 1/8" = 1'-0"

CANNERY COURT
FELSON COMPANIES



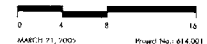
FRONT ELEVATION - ELEVATION "A"



FRONT ELEVATION - ELEVATION "B"

HAYWARD, CALIFORNIA

DUET
TOWNHOMES
ELEVATIONS



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